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STATE OF NORTH CAROLINA

PUBLIC-LOCAL AND
PRIVATE LAWS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1925

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SEVENTH DAY OF JANUARY, A.D. 1925

PUBLISHED BY AUTHORITY

RALEIGH
EDWARDS & BROUGHTON PRINTING COMPANY
STATE PRINTERS
1925

CAPTIONS

OF THE

PUBLIC-LOCAL LAWS

SESSION 1925

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PUBLIC-LOCAL LAWS

OF THE

STATE OF NORTH CAROLINA

SESSION 1925

CHAPTER 1

AN ACT TO PROVIDE FOR THE BETTER ENFORCEMENT OF TRAFFIC LAWS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Chowan County are hereby authorized to appoint one or more police officers who shall enforce the traffic laws in said county.

Commissioners authorized to enforce traffic laws.

SEC. 2. Any police officer so appointed shall give a justified or surety bond satisfactory to said county commissioners, payable to the State of North Carolina, for the faithful and proper performance of his duties, the amount of said bond to be fixed by said commissioners.

Police officers to give bond.

SEC. 3. Any such officer shall hold office during the pleasure of the board of commissioners and shall receive the same fees now or hereafter allowed by law to the sheriff, and in addition such salary as may be fixed by the commissioners to be paid monthly out of the general funds of the county.

Hold office at pleasure of the board of commissioners.

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

Ratified this the 27th day of January, A.D. 1925.

CHAPTER 2

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO TRANSFER \$25,000 FROM THE ROAD AND BRIDGE FUND OF THE COUNTY TO THE SCHOOL FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Transylvania County be and they are hereby allowed to transfer the sum of twenty-five thousand dollars (\$25,000) from the road and bridge fund of the county to the school fund of the county.

Commissioners to transfer certain funds from road and bridge fund to school fund.

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

Ratified this the 27th day of January, A.D. 1925.

CHAPTER 3

AN ACT TO AMEND CHAPTER 439, PUBLIC-LOCAL LAWS OF 1915, RELATING TO QUALIFICATION OF ROAD ENGINEER OR SUPERINTENDENT OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Striking out "engineer" and inserting in lieu thereof "superintendent."

SECTION 1. That section four of chapter four hundred and thirty-nine of the Public-Local Laws of one thousand nine hundred and fifteen be amended as follows: "Strike out, in line three (3) of section four (4), the word "engineer" and substitute in lieu thereof the word "superintendent," and strike out all that clause after the word "engineer," in line three (3), beginning with the word "who" and down to and including the word "building," in line five (5) thereof; and strike out the word "engineer" wherever it appears in said chapter and substitute the word "superintendent."

Commissioners of Wake County not eligible for appointment of "road superintendent" until after first Monday in December, 1926.

SEC. 2. That no person now holding the office of county commissioner of Wake County shall be eligible to be elected to the position of "road superintendent" of Wake County for the period ending with the first Monday in December, one thousand nine hundred and twenty-six.

Laws in conflict 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.

Ratified this the 27th day of January, A.D. 1925.

CHAPTER 4

AN ACT TO REPEAL CHAPTER 148 OF THE PUBLIC-LOCAL LAWS OF 1923.

The General Assembly of North Carolina do enact:

Repealing office of auditor and tax collector.

SECTION 1. That chapter one hundred and forty-eight, Public-Local Laws of one thousand nine hundred and twenty-three, entitled an "Act to abolish the office of county treasurer in Jackson County, establish the office of county auditor, regulate compensation of tax collector, and for other purposes," be and the same is hereby repealed.

SEC. 2. That the office of treasurer in Jackson County be re-established in the same manner, under the same laws, rules and regulations as the same existed in said county prior to the said act, chapter one hundred and forty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three, and that J. W. Davis, the present auditor, elected and qualified and inducted into said office under and by virtue of said act, chapter one hundred and forty-eighty of the Public-Local Laws of one thousand nine hundred and twenty-three, shall be, from and after the ratification of this act, the treasurer of Jackson County for the regular term of two years from the first Monday in December, one thousand nine hundred and twenty-four, under the same laws, rules and regulations as the same existed prior to the passage and ratification of said act, chapter one hundred and forty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three.

Treasurer's office established.

To be elected every two years.

SEC. 3. That the commissioners of Jackson County are hereby authorized and fully empowered to allow and regulate the amount of commissions and emoluments to be paid said J. W. Davis as treasurer of said county.

County commissioners to fix salary or fees of the treasurer.

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

Conflicting laws repealed.

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

Ratified this the 27th day of January, A.D. 1925.

CHAPTER 5

AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES SO AS TO PROVIDE FOR THE TRIAL OF UNCONTESTED DIVORCE CASES AT THE CRIMINAL TERMS OF THE SUPERIOR COURT OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand four hundred forty-three of the Consolidated Statutes be amended as follows, to wit: Strike out that portion of said section relating to the courts of the sixth judicial district which reads as follows: "At criminal terms of the Superior Court in the sixth judicial district, civil actions which do not require a jury may be heard by consent; and at criminal terms in the county of Lenoir, any order, judgment, or decree may be entered in a civil action not requiring a jury trial," and insert in lieu thereof the following: "At criminal terms of the Superior Court in the sixth judicial district, civil actions which do not require a jury may be heard by con-

Certain civil cases to be heard by consent.

Uncontested divorce cases and other cases not requiring a jury may be tried.

sent; and at criminal terms in the county of Lenoir uncontested divorce cases may be tried by the court and a jury in all respects as at civil terms, and any order, judgment or decree may be entered in any other civil action not requiring a jury trial."

Conflicting laws repealed.

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

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

Ratified this the 27th day of January, A.D. 1925.

CHAPTER 6

AN ACT TO AUTHORIZE THE ISSUANCE OF BONDS OF ROCKINGHAM COUNTY FOR FUNDING INDEBTEDNESS FOR PERMANENT IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Board of commissioners to issue one million in bonds.

SECTION 1. The board of commissioners of Rockingham County is hereby authorized to issue bonds of said county in an aggregate principal amount not exceeding one million dollars (\$1,000,000) for the purpose of funding outstanding notes or other temporary or floating indebtedness of said county heretofore issued or incurred for one or more of the following purposes, viz.: Constructing roads, bridges and other public improvements the expense of which is a necessary expense of said county within the meaning of section seven of article seven of the Constitution of North Carolina, and acquiring sites for, and erecting, altering, enlarging and equipping school buildings in order to maintain public schools in Rockingham County at least six months in every year as required by section three of article nine of the Constitution of North Carolina. The said outstanding indebtedness is hereby validated, and is hereby determined to be not less than one million dollars in amount to have been incurred for one or more of the said purposes. The said board of county commissioners is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized by law to be levied in said county.

Bonds issued for necessary expenses.

Certain outstanding bonds validated.

Board of commissioners to levy special tax to pay principal and interest.

Tax to be levied in addition to other taxes.

SEC. 2. The said bonds may be issued all at one time or from time to time. They shall bear interest at a rate not exceeding six per centum per annum, payable semiannually, and shall mature at such time or times, not more than thirty years after their respective date or dates, and the principal and interest thereof shall be payable at such place or places and in such medium of payment as the board of commissioners of Rockingham County may determine. They shall be issued in coupon form, but may be made subject to registration as to principal alone or as to both principal and interest, as may be determined by the said board of county commissioners. Said bonds shall be sold at public or private sale for not less than par.

Bonds may be sold at one time or at different times, interest not to exceed 6%, payable not more than thirty years from date, and at such place as may be designated by the commissioners.

SEC. 3. The said bonds shall be issued pursuant to a resolution of said board of county commissioners in which said board shall find and determine that the amount of the then outstanding indebtedness referred to in the first section of this act and authorized by this act to be funded is not less than the amount of bonds to be issued pursuant to said resolution. Said resolution shall be published once in each of two successive weeks in a newspaper published in the town of Reidsville in said county. With said resolution there shall be published a notice substantially in the following form (the blanks being first properly filled in), with the name of the clerk of said board of county commissioners appended thereto, viz.: "The foregoing resolution was passed by the board of county commissioners of Rockingham County on the.....day of19....and was first published on the.....day of.....19...., Any action or proceeding questioning the validity of any bonds issued or to be issued pursuant to said resolution must be commenced within thirty days after the first publication of said resolution."

Amount of indebtedness to be determined by board of commissioners and bonds issued in pursuance to resolution of said board.

Resolution to be published in newspaper.

SEC. 4. The validity of the said resolution and of any bonds issued pursuant to said resolution shall not be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within thirty (30) days after the publication of said resolution.

Validity of said bonds shall not be questioned after 30 days from publication of said resolution.

SEC. 5. The powers granted by this act are granted in addition to and not in substitution for the existing powers of Rockingham County, and are not subject to any debt, limitation or other limitation or restriction prescribed by any other law.

The powers herein granted are in addition to other powers of said board.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 27th day of January, A.D. 1925.

CHAPTER 7

A BILL TO BE ENTITLED AN ACT TO PLACE THE SHERIFF OF TRANSYLVANIA COUNTY ON A SALARY.

The General Assembly of North Carolina do enact:

Fixing salary of sheriff.

SECTION 1. That the sheriff of Transylvania County shall, from and after December first, one thousand nine hundred and twenty-six, receive a salary of twenty-four hundred dollars and, in addition thereto and for the purpose of employing deputy sheriffs, shall receive the sum of six hundred dollars, making the total salary for all purposes of three thousand dollars, which sum shall be paid in twelve monthly installments of two hundred and fifty dollars per month by or on the order of the county commissioners of said county out of what is known as "the salary fund" of the county.

Salary in full compensation of services.

SEC. 2. The above compensation shall be in full for all services, fees and commissions to which said sheriff would be entitled as sheriff and tax collector for said county as now provided for.

Sheriff to keep a daily record of work required of him and shall collect the fees for it and pay over to the treasurer of said county.

SEC. 3. The sheriff shall keep a daily record of all transactions showing, in itemized form, each and every act or service rendered for which he is entitled to charge or does now charge fees or commissions and he shall collect all fees and commissions and other moneys due for services as sheriff before he serves any civil papers coming into his hands, and shall turn all such fees and commissions collected by him for services rendered over to the county treasurer or such other person as shall be designated by the county commissioners to receive such and shall make out an itemized, verified statement of each and every item for which he has collected or should have collected any fee or commission under the laws of the State which shall be sworn to before and filed with the clerk of the Superior Court of the county on the first Monday in each month for services rendered during the previous month.

Report to commissioners to be verified.

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

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after December first, one thousand nine hundred and twenty-six.

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 8

AN ACT TO ESTABLISH THE OFFICE OF TAX COLLECTOR
OF TRANSYLVANIA COUNTY AND PROVIDE COMPENSA-
TION FOR SUCH OFFICER.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of sheriff and tax collector for Transylvania County as now existing shall be separated when and as is hereinafter provided.

Office of tax collector and sheriff separated.

SEC. 2. That at the next general election in the year one thousand nine hundred and twenty-six there shall be nominated and elected a tax collector for Transylvania County whose duty it shall be to collect all the taxes both special privilege taxes and all other taxes levied by the State or county, on all taxable property or professions in Transylvania County from and after December first, one thousand nine hundred and twenty-six.

Tax collector to be elected by the people at next general election.

SEC. 3. That all the duties, powers and privileges heretofore and now vested in the sheriff of Transylvania County as tax collector for said county for the purposes of collecting taxes of all kinds shall be passed to and devolve upon such tax collector and it shall be his duty to diligently and faithfully collect and account for all the taxes of every kind and for every purpose for which levies may be made, whether by the county or State authority, beginning December one, one thousand nine hundred and twenty-six.

The duties of the sheriff as to the powers of tax collector shall devolve upon the tax collector, who shall collect the taxes.

SEC. 4. The said tax collector so elected shall execute and file such bonds as may be required by the county commissioners of the county for the faithful performance of his duty as tax collector.

To furnish such bonds as required by the commissioners.

SEC. 5. The tax collector shall collect and turn over and account for all the taxes of Transylvania County to such officer or person or bank, or trustee, as the county commissioners of the county may designate as the proper person to receive such, and he shall take receipts from such person or bank for all moneys which he shall turn over and said receipts shall be used by him as credits on his settlement for taxes collected with the board of county commissioners of said county.

Tax collector to collect and turn over all taxes to such person or bank as may be designated by the commissioners and shall make settlement with the commissioners.

SEC. 6. The said tax collector shall receive an annual salary, for all services done and performed by him in connection with the collection of and accounting for all taxes, of twenty-four hundred dollars, which salary shall be paid to him by the county commissioners in monthly installments of two hundred dollars each out of the fund known as the "salary fund."

Salary of tax collector \$2400 per year payable monthly.

Tax collector to be allowed insolvents in settlement with the commissioners.

Salary in lieu of all commissions.

County to bear expense of tax receipts.

Conflicting laws repealed.

SEC. 7. That in settlement with the county commissioners of the county the tax collector shall be allowed such credit for errors and insolvents as he may be entitled to in the judgment of the commissioners and as are now provided for the sheriff and tax collector of said county.

SEC. 8. That no salary, fees or commissions, other than that above stated, is to be paid to said tax collector for any service rendered by him: *Provided, however,* all the expense incident to the preparation and delivery of tax receipts for his office as is now provided for the sheriff and tax collector shall be borne by the county of Transylvania.

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 force from and after ratification.

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 9

A BILL TO BE ENTITLED AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS AND ROAD OF SUPERVISORS OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

Fixing salary of register of deeds and clerk of Superior Court.

SECTION 1. That the county commissioners of Clay County are hereby authorized and directed to pay the clerk of the Superior Court of said county the sum of one hundred dollars per month, and the register of deeds of said county the sum of one hundred twenty-five dollars per month as a full compensation for all services rendered by said clerk and register, said salaries to be paid out of the general fund.

Clerk and register of deeds shall collect fees and pay over to treasurer.

SEC. 2. That the said clerk and register shall keep an accurate record of all fees collected by them and pay same over to the county treasurer monthly to be deposited to the account of the general fund.

Fixing salary of road supervisor.

SEC. 3. That the road supervisor of Clay County shall receive for all services performed by him the sum of one hundred dollars per month, to be paid out of the general fund.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in full force and effect from and after the first day of February, one thousand nine hundred and twenty-five.

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 10

AN ACT REGULATING THE PAY OF JURORS IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all jurors summoned for jury duty in the Superior Court in the county of Henderson shall receive as pay for their services three dollars per day, and mileage at the rate of five cents a mile as allowed by general statute. Fixing pay of jurors in Henderson County.

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

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

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 11

AN ACT TO INCREASE THE PAY OF REGULAR AND TALES JURORS IN THE COUNTY OF BERTIE.

The General Assembly of North Carolina do enact:

SECTION 1. That all jurors regularly drawn and sworn to try causes in the courts of Bertie County shall be paid the sum of three dollars for each day of such service and in addition thereto the mileage as now allowed by law. Fixing pay of jurors in Bertie County.

SEC. 2. That all persons who are sworn as tales jurors shall be paid two dollars for each day of service as such; and in the event such tales juror is called upon to serve more than one day and does so serve, he shall be paid the same mileage as provided for regular jurors. Fixing pay of tales jurors.

SEC. 3. That whenever any judge of the Superior Court shall direct the sheriff of Bertie County to have in court at a stated time a panel of jurors for the trial of causes, all such persons so summoned and who are sworn shall be paid the same per diem and mileage as is herein provided for regular jurors: *Provided*, that this shall not apply to special veniremen in capital felonies. Fixing pay of special veniremen.

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

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 12

AN ACT TO CONFER CRIMINAL JURISDICTION UPON THE CIVIL TERMS OF COURT OF THE SUPERIOR COURT OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Criminal jurisdiction conferred upon this term of court.

SECTION 1. That the term of Superior Court beginning the fourth Monday before the first Monday in March, one thousand nine hundred and twenty-five, are hereby given criminal jurisdiction to try all criminal offenses which may come regularly upon the docket of said court.

Motions, judgments and decrees and causes tried and determined on seven days written notice at this term of court.

SEC. 2. That motions may be made, orders, judgments, decrees and causes tried and determined, including trials by jury at criminal terms, in the same manner and 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.

Divorce cases and uncontested matters to be heard.

SEC. 3. The courts shall have jurisdiction to hear and determine divorce cases and other uncontested matters at both civil and criminal terms without notice.

SEC. 4. That the Secretary of State shall, upon the ratification of this act, immediately certify a copy thereof to the clerk of Superior Court of Robeson County.

Conflicting laws repealed.

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

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 13

AN ACT TO AMEND CHAPTER 578, SECTION 2, PUBLIC-LOCAL LAWS OF 1921, RELATIVE TO THE FEES ALLOWED THE SHERIFF OF NASH COUNTY FOR SERVING PROCESS.

The General Assembly of North Carolina do enact:

Relating to fees of sheriff of Nash County.

SECTION 1. That section two, chapter five hundred and seventy-eight, Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-one, be amended by inserting, in line two of said section, between the words "Bertie" and "Davie," the word "Nash," making the provisions of said chapter five hundred and seventy-eight, Public-Local Laws of one thousand nine hundred and twenty-one, apply to Nash County.

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

Ratified this the 29th day of January, A.D. 1925.

CHAPTER 14

AN ACT CREATING THE OFFICE OF TREASURER FOR THE COUNTY OF YANCEY, FIXING THE COMPENSATION OF SAID OFFICE, AND RELATING TO THE BOND FOR SAID OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of treasurer for the county of Yancey is hereby created and M. C. Honeycutt is hereby appointed to said office as treasurer of the county of Yancey to hold said office until the first Monday in December, one thousand nine hundred and twenty-six, at an annual salary of six hundred dollars, to be paid in equal monthly installments, and to enter upon the duties of said office the first Monday in February, one thousand nine hundred and twenty-five. At the next general election in November, one thousand nine hundred and twenty-six, and biennially thereafter there shall be elected by the qualified voters of said county a county treasurer as provided for the election of members of the General Assembly to hold office for a period of two years.

Creating office of treasurer. M. C. Honeycutt appointed treasurer and elected at the general election.

SEC. 2. On the first Tuesday following the first Monday in February, one thousand nine hundred and twenty-five, the board of county commissioners of said county and the sheriff shall turn over to said county treasurer herein provided for all funds and evidences of indebtedness belonging to and due said county, and every first Monday thereafter the sheriff shall turn over to said treasurer all such county funds and evidences of indebtedness.

Commissioners and sheriff to turn over to treasurer funds and evidence of indebtedness.

SEC. 3. The board of county commissioners of said county shall require said county treasurer, before entering upon the duties of his office, to give bond conditioned upon such amount as the board of county commissioners may require. Said bond shall be furnished by a reputable bonding company approved by the board of county commissioners, and the premium of said bond shall be paid from county funds upon orders drawn by said board of county commissioners. Said bond shall be conditioned upon the faithful performance of the duties of said office of county treasurer, and he shall account for all moneys which shall come into his hands as treasurer and render a just and true account thereof as required by law or by the board of county commissioners.

Commissioners to require bond for the faithful performance of the duties required of the treasurer.

SEC. 4. The duties of said office of county treasurer shall be governed by the provisions of chapter twenty-six of the Consolidated Statutes.

Duties prescribed by chapter twenty-six of Consolidated Statutes.

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

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

Ratified this the 29th day of January, A.D. 1925.

CHAPTER 15

AN ACT TO AMEND CHAPTER 421, PUBLIC-LOCAL LAWS OF SESSION OF 1921, AND TO FIX THE SALARIES OF CERTAIN COUNTY OFFICERS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Fixing salaries of officers of Davidson County.

SECTION 1. That section one, chapter four hundred twenty-one of the Public-Local Laws of one thousand nine hundred and twenty-one, be amended by striking out the words, in said section, "two thousand seven hundred and fifty per annum," same being between the word "word," in line five, and the word "and," in line six, and inserting in lieu thereof the words "thirty-six hundred per annum," and by striking out the words "one thousand five hundred," in line eight thereof, and inserting in lieu thereof the words "two thousand."

SEC. 2. That section two of said act be amended by striking out the words "two thousand one hundred," in line five of said section, and inserting in lieu thereof the words "twenty-six hundred."

Conflicting laws repealed.

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

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

Ratified this the 29th day of January, A.D. 1925.

CHAPTER 16

AN ACT TO AMEND CHAPTER 477 OF THE PUBLIC-LOCAL LAWS, 1919, RELATIVE TO DRAINAGE OF LANDS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Duty of citizens along French Broad River to remove trees and other obstructions from river.

SECTION 1. That chapter four hundred and seventy-seven of the Public-Local Laws of one thousand nine hundred and nineteen be amended by adding at the end of section eight thereof the following: "And it shall be the duty of each and every person, firm, or corporation owning land abutting on either or

both sides of French Broad River between the town of Rosman in said county and the Henderson County line to remove all trees, or limbs from the banks of said stream touched by his, her or their or its land that would in any reasonable manner hinder the natural flow of said stream or create conditions that would likely retard the natural flow of the waters in said river; and if any person, firm or corporation owning land abutting on said stream shall refuse or neglect to remove such trees, limbs or debris as above indicted, or shall cut or allow cut any tree or trees letting them fall into said stream and shall fail to immediately remove the same from the channel of said river, shall be guilty of a misdemeanor and on conviction for such offense shall be fined or imprisoned at the discretion of the court; and such person, firm or corporation shall likewise be compelled to remove all such trees, limbs and debris from the channel of said river upon notice given by the commission named in this chapter, or any member or agent of the same, and a failure to comply with the demands of said notice (which shall be as much as ten days) given by the commission, or any member or agent thereof, shall constitute a misdemeanor and subject the offender to fine or imprisonment in the discretion of the court."

Violations of act
misdemeanor.

Required to
remove trees
and debris
on notice from
commission.

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

Conflicting
acts repealed.

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 17

AN ACT FOR THE RELIEF OF THE COMMISSIONERS OF MADISON COUNTY AND TO SET ASIDE 5 PER CENT OF THE TAXES COLLECTED FOR ALL PURPOSES IN SAID COUNTY OF MADISON TO PAY THE SALARY OF THE OFFICERS OF SAID COUNTY AND OTHER NECESSARY CURRENT EXPENSES FOR SAID COUNTY.

Whereas, all the taxable property in Madison County amounts to about ten million dollars (\$10,000,000); and

Preamble:
Value of
property.

Whereas, the total taxes collected in said county amount to about two hundred and twenty thousand dollars (\$220,000); and

Preamble:
Taxes
collected.

Whereas, the salaries of all the officers of the said county of Madison are paid out of the general county funds, and the said general county fund is drawn upon for all other county expenses, the said fund has been inadequate to pay the said salaries and

Preamble:
Salary fund.

to meet the other expenses necessarily incurred for said county; and

Preamble:
Bond issue.

Whereas, on the first day of October, one thousand nine hundred and seventeen, the commissioners of Madison County sold county bonds to the amount of one hundred and twenty-five thousand dollars (\$125,000) for the purpose of paying off other bonded indebtedness then due, and for road purposes in said county of Madison; and

Taxes levied
to pay
bonds.

Whereas, the said one hundred and twenty-five thousand dollars (\$125,000) bonded indebtedness will fall due October first, one thousand nine hundred and twenty-seven, the commissioners of said county have levied taxes on the taxable property in said county of Madison from time to time to pay the interest on said bonds and to create a sinking fund; and

Taxes levied
inadequate to
pay bonds,
interest and
necessary
expenses.

Whereas, the general county fund of fifteen thousand dollars (\$15,000) as hereinabove set forth has been inadequate to meet the general and necessary expenses of said county, the commissioners of the said county have set over from time to time a part of the money collected as herein stated for a sinking fund to help defray the necessary expenses of Madison County; and

Taxes levied
not sufficient.

Whereas, the amount collected under the special levy to create the annual proportional part of said sinking fund of twelve thousand five hundred dollars (\$12,500) for nineteen hundred and twenty-three amounted to about twenty-five thousand dollars (\$25,000), the said commissioners used of said amount of twenty-five thousand dollars (\$25,000) to assist in paying salaries of the officers of said county, and other necessary expenses, about eleven thousand (\$11,000) dollars; and

Taxes to be
increased to
meet necessary
expenses.

Whereas, it is impossible to pay the salaries of the officers of the said county of Madison out of the said general county fund of fifteen thousand dollars (\$15,000), and to meet the other absolutely necessary and current expenses of the said county of Madison; and

Commissioners
acted in good
faith, their
actions
validated, and
authorized set
apart 5% of all
taxes for
purpose of
paying salaries
of officers, etc.

Whereas, the commissioners of said county have acted in absolutely good faith in using the money hereinabove mentioned for the purposes set forth, and have done so with the strictest economy, it is desired that the General Assembly of North Carolina ratify and confirm and authorize the said commissioners in the use of that portion of the said sinking fund which has been applied for the purposes herein mentioned. And that the said commissioners be authorized to set apart a five per cent of all the taxes collected for all purposes in said county of Madison, for the purpose of paying the salaries of their officers of the said county and whatever may be left after paying the salaries of the officers out of the fund raised by setting apart five per cent of all taxes collected in said county be used to help defray

and pay the necessary current expenses of Madison County:
Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the commissioners of Madison County in setting over and using that part of the sinking fund enumerated in the preamble herein set forth to pay the salaries of the county officers, and to help pay the necessary current expenses of Madison County, is hereby authorized, ratified and confirmed, and that no liability of any kind whatsoever shall attach to the said commissioners because of the use of said funds for the purposes set out in the foregoing preamble.

Approval of
action of
county
commissioners.

SEC. 2. That the commissioners of Madison County are hereby authorized, required, and shall set apart five per cent of all the taxes collected in Madison County for any and all purposes whatsoever for the purpose of paying the salaries of the officers for the said county of Madison, and to supplement the general county fund for the purpose of paying the necessary annual current expenses of said county.

Commissioners
authorized to
set apart 5%
of taxes
collected to pay
the salaries of
officers, etc.

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

Conflicting
laws repealed.

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 18

AN ACT TO AMEND CHAPTER 520 OF THE PUBLIC-LOCAL LAWS OF 1915, BEING AN ACT TO ESTABLISH A SPECIAL COURT FOR FORSYTH COUNTY, WITH CIVIL JURISDICTION, TO BE KNOWN AS FORSYTH COUNTY COURT, AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That section six (a) of chapter five hundred and twenty of the Public-Local Laws of one thousand nine hundred and fifteen be amended by striking out, in lines six, seven and eight of said section, the words "with the exception that the record may be typewritten instead of printed, and only one copy thereof shall be required," and inserting in lieu thereof the following, "That the record on appeal shall constitute one typewritten copy of the statement of case on appeal, together with the original court papers. That immediately after the statement of case on appeal has been agreed upon, or settled by the court, or immediately after the expiration of the time allowed, or any ex-

Amendment.

Appeal.

Counter
appeal.

Date of effect of amendment	<p>tensions thereof for serving counter case or filing exceptions, and provided same are not filed, the clerk of the Forsyth County court shall file same with the clerk of the Superior Court of Forsyth County, who shall docket same in the Superior Court for hearing." This section shall be in full force and effect from and after March first, one thousand nine hundred and twenty-five.</p>
Duties.	<p>SEC. 2. That section five of chapter five hundred and seventeen of the Public-Local Laws of one thousand nine hundred and twenty-one be stricken out and inserted in lieu thereof the following: "That the procedure of the Superior Court and all amendments thereto, or which may hereafter be made thereto, shall be the procedure of the Forsyth County court, and the clerk shall have full power and authority to sign all judgments and perform such other duties as are vested in the clerk of the Superior Court in the Superior Court procedure act and amendments thereto. That the clerk of the Forsyth County court, immediately after signing any judgment, shall issue a transcript thereof to the Superior Court of Forsyth County, and the clerk of the Superior Court shall immediately docket said transcript in the Superior Court of Forsyth County, and all such judgments shall thereupon have the same force and effect as if they had been original judgments of the Superior Court." This section shall be in full force and effect from and after March first, one thousand nine hundred and twenty-five.</p>
Force and effect of judgments.	
Date of effect of section.	<p>SEC. 3. That there shall be added at the end of section one, chapter one hundred and fifty, Public Laws of one thousand nine hundred and twenty-three, the following term of court: "First Monday before the first Monday of March, of each year, to continue for two weeks."</p>
Additional term of court.	
Amendment.	<p>SEC. 4. That section one of chapter five hundred and seventeen of the Public-Local Laws of one thousand nine hundred and twenty-one be amended by striking out, in line nine of said section, the words "twenty-four scrolls," and inserting in lieu thereof the words "thirty scrolls."</p>
Amendment.	<p>SEC. 5. That subsection (d) of section three of chapter five hundred and twenty of the Public-Local Laws of one thousand nine hundred and fifteen be stricken out and inserted in lieu thereof, "That the qualification of and challenges to jurors shall be the same as provided for the Superior Court. That the jury boxes provided by law for the drawing of jurors for the Superior Court of Forsyth County shall also be the jury boxes for the Forsyth County court, and all jurors for the Superior Courts of Forsyth County and for the Forsyth County courts shall be drawn out of the same boxes in the same manner as Superior Court jurors are drawn, and shall be summoned for the Forsyth County court under mandate from the clerk</p>

of the Forsyth County court, directed to the sheriff of Forsyth County." This section shall be in full force and effect from and after July first, one thousand nine hundred and twenty-five.

Date of effect of amendment.

SEC. 6. That section two of chapter one hundred and fifty of the Public Laws of one thousand nine hundred and twenty-three be amended by striking out, in line five of section two, the words "one hundred and twenty-five," and inserting in lieu thereof the words "one hundred and fifty." This section shall be in full force and effect from and after its ratification and the salary herein provided for shall be paid from December twenty-ninth, one thousand nine hundred and twenty-four.

Amendment.

Date of compensation.

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

Conflicting laws repealed.

SEC. 8. This act, except those sections which specifically state when they shall go into effect, shall be in force and effect from and after its ratification.

Dates of effect.

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 19

AN ACT TO AMEND CHAPTER 151 OF THE PUBLIC LAWS OF 1923, BEING AN ACT TO CREATE ADDITIONAL TERMS OF THE SUPERIOR COURT FOR FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred fifty-one of the Public Laws of one thousand nine hundred and twenty-three be amended by striking out, in lines five and six of said section, the following: "First Monday before the first Monday of March, to continue for one week."

Amendment.

Relating to courts of Forsyth County.

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 20

AN ACT TO ALLOW THE BOARD OF HIGHWAY COMMISSIONERS OF JACKSON COUNTY TO PAY TO THE COUNTY COMMISSIONERS OF JACKSON COUNTY CERTAIN SUMS OF MONEY AND FOR OTHER PURPOSES.

Highway commissioners of Jackson County to refund to board of county commissioners any amount paid by them for rights-of-way for roads.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of highway commissioners of Jackson County are hereby allowed and authorized to pay to the

Authority to pay money.

county commissioners of Jackson County all such sums of money as it has heretofore advanced and paid out in Jackson County for damages to lands, etc., of any citizen of said county and for rights of way for public roads in said county, since the date of the establishment of the highway commission of said county.

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 21

AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO ISSUE NOTES IN ANTICIPATION OF A BOND ISSUE.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Rockingham County is hereby authorized to issue notes of said county in an aggregate amount not exceeding one million dollars (\$1,000,000) for the purpose of temporarily financing the payment of outstanding notes or other temporary or floating indebtedness of said county heretofore issued or incurred for one or more of the following purposes, viz.: Constructing roads, bridges and other public improvements the expense of which is a necessary expense of said county within the meaning of section seven of article seven of the Constitution of North Carolina, and acquiring sites for, and erecting, altering, enlarging and equipping school buildings in order to maintain public schools in Rockingham County at least six months in every year as required by section three of article nine of the Constitution of North Carolina, the said outstanding indebtedness being the indebtedness referred to in the first section of a bill known as Senate bill number forty-nine, entitled "A bill to be entitled an act to authorize the issuance of bonds of Rockingham County for funding indebtedness for permanent improvements," introduced at the present session of the General Assembly of North Carolina, and it being the intention of this act to authorize the issuance of notes in anticipation of the issuance and sale of bonds pursuant to the said bill.

SEC. 2. The said notes may be issued at such time or times as the said board of county commissioners may determine, and may be renewed from time to time by the issuance of new notes prior to the issuance of said bonds. All such notes shall mature within six months after their respective dates, and shall bear interest at a rate not exceeding six per cent per annum. They may be sold at public or private sale at not less than par, or

Board county
commissioners
authorized to
issue notes.

Provisions of
issuance of
notes.

Time of
issuance;
renewal of
notes.

Maturity of notes.

Public or
private sale.

issued in exchange for a like amount of the notes which they are issued to renew or pay.

SEC. 3. It shall be the duty of the said board of county commissioners to pay all notes issued under this act out of the proceeds of the sale of said bonds: *Provided, however,* that if for any reason the said notes are not so paid, the said board of county commissioners shall have power to levy a special tax annually or otherwise on all taxable property in said county sufficient to pay said notes.

Payment of notes from sale of bonds.

Power to levy tax.

SEC. 4. All resolutions or other proceedings passed or taken by the said board of county commissioners prior to the ratification of this act, relating to the issuance of notes for the purposes aforesaid, shall have the same force and effect as if they had been passed or taken after the ratification of this act.

Effect of prior proceedings.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 30th day of January, A.D. 1925.

CHAPTER 22

AN ACT TO CONFER CRIMINAL JURISDICTION ON CERTAIN TERMS OF COURT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of Superior Court for Robeson County beginning the fourth Monday before the first Monday in March, now designated for the trial of civil cases only, shall hereafter have jurisdiction for civil and criminal cases.

Extension of jurisdiction of certain term of court for Robeson County.

SEC. 2. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 23

AN ACT TO SUBMIT ANY FURTHER ISSUE OF BONDS IN CLAY COUNTY TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That no further bonds shall be authorized or issued by the board of commissioners of Clay County or by any other governing body in Clay County unless the same has been regularly

Bonds.

- Vote. submitted to a vote of the qualified electors of said county and duly authorized by a majority of the votes cast in such election:
- Emergency bonds. *Provided, however,* that the provisions of this act shall not apply to an issue of bonds of said county in case of fire or other casualty or unforeseen emergency necessitating an immediate issue of bonds in order that the affairs of the county can be carried on.
- Submitted to voters. SEC. 2. The question of the issuing of any bonds coming within the provisions of this act shall be submitted to the voters of Clay County at an election called by the board of county commissioners of said county for said purposes. The board of county commissioners shall fix the date of holding said election, shall name a registrar and judges of election for the voting precincts of said county and shall cause notice of said election to be given by publication at least once in some newspaper published in Clay County, the first publication to be at least thirty days before the election, and shall cause to be printed and distributed a sufficient number of ballots for use at said election. At said election the voters who favor the issuance of said bonds shall vote a ballot on which shall be written or printed the words "For Bonds," and the voters who oppose the issuance of said bonds shall vote a ballot on which shall be written or printed the words "Against Bonds." At the close of the election the vote shall be counted and returns thereof made to the board of county commissioners of Clay County for which purpose said board shall cause blank abstracts to be prepared and furnished to the registrar and judges of election. On the first Thursday following the election the said board of county commissioners shall meet as a canvassing board and shall receive the returns of said election and judicially pass upon said returns and shall judicially determine and declare the result of said election, all of which shall be recorded in the records of said board. In all respects other than those herein mentioned said election shall be determined as nearly as may be practicable in accordance with the law relating to elections for members of the General Assembly. The expense of holding such election shall be paid out of the general funds of the county. The board of county commissioners may in its discretion order a new registration for any such election but a new registration shall not be necessary unless the same is ordered by the board of county commissioners.
- Registrar and judges of election.
- Publication of notice of election.
- Ballots.
- Canvass votes.
- Result declared.
- Under general law.
- Expense paid by county.
- Conflicting laws repealed.
- SEC. 3. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.
- SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 24

AN ACT PROVIDING FOR A BOARD OF COUNTY COMMISSIONERS OF 5 MEMBERS FOR RICHMOND COUNTY TO BE ELECTED AT THE GENERAL ELECTION IN NOVEMBER, 1926, FOR TERMS OF 2, 4, AND 6 YEARS, AND THEREAFTER FOR A TERM OF 2 YEARS.

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 Richmond County shall consist of five commissioners to be elected by the qualified voters at the general election in November, one thousand nine hundred and twenty-six, at which election two of the commissioners shall be elected for a term of two years, two of the commissioners for a term of four years, and one of the commissioners for a term of six years; and thereafter at each general election the commissioners whose terms expire shall be elected for a term of six years.

Commission increased.

Elected.

2, 4 and 6 years.

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

Conflicting laws repealed.

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

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 25

AN ACT TO ABOLISH THE HIGHWAY COMMISSION FOR DUPLIN COUNTY, AND TO TRANSFER ALL MONEY, MACHINERY, EQUIPMENT AND RECORDS OF THE SAID COMMISSION TO THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and forty-seven, Public-Local Laws of nineteen hundred and twenty-one, entitled "Act to create a highway commission for Duplin County," be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That all money, machinery, equipment and records of the highway commission for Duplin County be and the same are hereby transferred to the board of commissioners for Duplin County.

Transfer.

SEC. 3. That the board of commissioners of Duplin County be and they are hereby empowered to control, improve, and regulate all public highways, bridges and streams in Duplin

Duplin board of commissioners given power.

County as provided under the general law, chapter twenty-four of Consolidated Statutes of North Carolina, entitled "Counties and county commissioners." and all amendments thereto.

Conflicting
laws repealed.

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

SEC. 5. That this act shall be in full force from and after the ninth day of March, nineteen hundred and twenty-five.

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 26

AN ACT TO APPOINT D. H. CARTER A MEMBER OF STOKES COUNTY HIGHWAY COMMISSION FOR A TERM OF 4 YEARS FROM FIRST MONDAY IN APRIL, 1925.

The General Assembly of North Carolina do enact:

Appointment
member Stokes
County highway
commission.

SECTION 1. That under the provisions of section two, chapter one hundred thirty-two, Public-Local Laws of nineteen hundred and twenty-three, D. H. Carter be and he is hereby appointed a member of Stokes County highway commission for a term of four years from the first Monday in April, one thousand nine hundred and twenty-five, and until his successor is duly appointed and qualified.

Conflicting
laws repealed.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 2d day of February, A.D. 1925.

CHAPTER 27

AN ACT TO FIX AND PRESCRIBE THE PUNISHMENT UPON CONVICTION OF OPERATING AN AUTOMOBILE OR OTHER MOTOR VEHICLE IN BERTIE COUNTY, WHILE INTOXICATED, AND TO AMEND SECTION 4506 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, IN SO FAR AS BERTIE COUNTY IS CONCERNED ALONE.

The General Assembly of North Carolina do enact:

Intoxicated
drivers.

SECTION 1. That any person who shall, while intoxicated, operate an automobile, or other motor vehicle, upon the public highways of Bertie County or upon any streets of any town or village in said county, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars

Misdemeanor.

(§200), or imprisoned not less than four months, or both, at the discretion of the court. Fine or imprisonment.

SEC. 2. That this act shall apply only to Bertie County, and all laws in conflict therewith as far as Bertie County is concerned are hereby repealed. Application of act and conflicting laws repealed.

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

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 28

AN ACT RELATIVE TO THE PUBLISHING OF A SEMIANNUAL STATEMENT OF THE FINANCIAL STATUS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Franklin County are hereby authorized, empowered, and directed to have published before the second Friday of January and the second Friday in July of each year, in the *Franklin Times*, a semiannual report of the finances of the county. County commissioners of Franklin County given authority.
Semiannual report finances of county.

SEC. 2. That this statement shall contain the following: The total disbursements and income; all notes receivable and payable with itemized list of debtors and creditors; total all accounts payable and receivable; total bonded indebtedness with date of maturity of such bonds and sinking fund; township road bonds with dates of maturity and total sinking funds to date; total school bonds and dates of maturity, and total sinking fund; and all other assets and liabilities of the county, which are necessary in showing a financial status of the county. List of finances to be included.

SEC. 3. The county commissioners are authorized, empowered and directed to have published the financial statement of the fiscal year ending one thousand nine hundred and twenty-four, which was rendered by the bookkeeper on the first Monday in January, one thousand nine hundred and twenty-five, immediately. Finances fiscal year to be published.

SEC. 4. That for failure to carry out this act it shall be deemed a misdemeanor and each member of said county board or the bookkeeper shall be fined not more than fifty dollars nor imprisoned not more than thirty days. Failure a misdemeanor.
Penalty.

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

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 29

AN ACT TO AMEND CHAPTER 571, PUBLIC-LOCAL LAWS, SESSION 1921, ALSO CHAPTER 146, PUBLIC-LOCAL LAWS, SESSION 1923, IN SO FAR AS THEY RELATE TO SHERIFF'S SALARY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one, chapter five hundred and seventy-one, Public-Local Laws, session, one thousand nine hundred and twenty-one, and section one, chapter one hundred and forty-six, Public-Local Laws, session, one thousand nine hundred and twenty-three, be and the same are hereby amended by striking out all of said sections and inserting in lieu thereof the following:

Compensation.

"SECTION 1. That the sheriff of Cabarrus County, North Carolina, shall receive a salary of fifty-two hundred and fifty dollars per annum, payable monthly on an order of the board of commissioners of said county in lieu of commissions for the collection of taxes for State, township, school districts or other purposes. That in addition thereto the sheriff shall receive the usual fees allowed sheriffs under the law and out of said salary and fees he shall pay his deputy. That said amount of fifty-two hundred and fifty dollars shall be deducted by the board of county commissioners pro rata, from the various funds collected by the sheriff in the final settlement with him, and the said amount credited to the county fund."

Additional fees.

Salary of deputy.

Conflicting laws repealed.

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

Application of act.

SEC. 3. That this act shall be in force from and after February first, one thousand nine hundred and twenty-five.

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 30

AN ACT TO AMEND CHAPTER 605, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF 1917, RELATING TO SALARIES OF CERTAIN OFFICERS OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section five of said chapter be amended as follows: strike out lines one, two, three, and four up to and including the word "require" and insert in lieu thereof, "the sheriff of Surry County shall receive a salary of thirty-five hundred dollars (\$3,500) per annum as full compensation for his serv-

Compensation.

ices and the sum of fifteen hundred dollars (\$1,500) for the employment of such office deputies and clerks as the business of his office and the public good shall require.”

SEC. 2. That section eight be amended by striking out the word “six,” in line three, and inserting the word “twelve” in lieu thereof.

Additional
amendment.

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

Conflicting
laws repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 2d day of February, A.D. 1925.

CHAPTER 31

AN ACT TO AMEND CHAPTER 61, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter sixty-one, Public-Local Laws of North Carolina, extra session, nineteen hundred and twenty-four, be and it is hereby amended by striking out the words “twenty-five,” in line two of said section, and inserting in lieu thereof the words “twenty-six.”

Amendment.

Relative to
salary of
sheriff of
Caldwell
County.

SEC. 2. That said chapter sixty-one, Public-Local Laws nineteen hundred and twenty-four, as aforesaid, be and it is further amended by adding at the end of section one thereof the following:

Additional
amendment.

“Nothing contained in this act shall be construed as relieving said sheriff from the duty of collection without further compensation any unpaid taxes in his hands for collection at the close of his term of office.”

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 2d day of February, A.D. 1925.

CHAPTER 32

AN ACT TO REPEAL CHAPTER 137 OF THE PUBLIC-LOCAL LAWS, SESSION OF 1923, FIXING THE SALARY OF THE SHERIFF OF WATAUGA COUNTY AND TO REGULATE THE COMPENSATION OF THE SHERIFF OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-seven of the Public-Local Laws, session, one thousand nine hundred and twenty-three, be and the same is hereby repealed, said act fixing the salary of sheriff of Watauga County, and in lieu of the com-

Chapter
repealed.

Percentage compensation for sheriff.

pensation fixed in said act, the sheriff of Watauga County shall receive a commission of three and one-half per cent of all taxes collected by his office, and in addition shall be entitled to the fees for his services as sheriff allowed by law.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after July the first, one thousand nine hundred and twenty-five.

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 33

AN ACT TO AMEND CHAPTER 133 OF THE PUBLIC-LOCAL LAWS OF 1919 RELATIVE TO THE CLERK HIRE OF CERTAIN OFFICES OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred and thirty-three of the Public-Local Laws of one thousand nine hundred and nineteen be and the same is hereby amended by striking out sections three and four of said chapter and inserting in lieu thereof the following: "The clerk of the Superior Court of Robeson County shall receive for his salary the sum of three thousand dollars (\$3,000) per annum, and shall receive the sum of three thousand dollars (\$3,000) per annum to be expended for clerk hire in the conduct of the public business of his office. The register of deeds of Robeson County shall receive for his salary the sum of three thousand dollars (\$3,000) per annum to be expended for clerk hire in the conduct of the public business of his office."

Compensation of clerk of Superior Court.

Clerk hire.

Compensation of register of deeds.

Clerk hire.

County commissioners authorized.

SEC. 2. That in case of the illness of any county officer by reason of which he is temporarily disqualified to perform the duties of his office, the county commissioners are authorized to expend such further sum for clerk hire in the conduct of the business of said office as in their judgment may be proper under the circumstances.

Conflicting laws repealed.

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

Date of effect.

SEC. 4. That this act shall be in force from and after February the first, one thousand nine hundred and twenty-five.

Ratified this the 2d day of February, A.D. 1925.

CHAPTER 34

AN ACT TO AMEND CHAPTER 386, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1909, RELATING TO THE ROWAN COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-six (386), Public Laws of North Carolina, session, one thousand nine hundred and nine (1909), be and the same is hereby amended as follows:

Amendments.

(a) Strike out the words "five hundred," in line eleven, subsection two of section two of said chapter, and insert in lieu thereof the words "one thousand";

(b) Strike out the words "three hundred," in line seventeen, subsection three, section two of the said chapter, and insert in lieu thereof the words "five hundred";

(c) Strike out the words "one thousand," in line eighteen, section seventeen of said chapter, and insert in lieu thereof the words "twenty-four hundred";

(d) Strike out the words after "shall," in line ten and before the word "except," in line thirteen, section twelve of said chapter, and insert in lieu thereof the following "receive a salary of eighteen hundred dollars per year, payable in equal monthly installments by Rowan County."

Conflicting laws
and
amendments
repealed.

SEC. 2. That all laws, amendments or clauses of laws or amendments in conflict with this act be and the same are hereby repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 35

AN ACT TO AMEND SECTION 10, CHAPTER 84 OF THE PUBLIC-LOCAL LAWS OF 1919, BEING AN ACT TO PROVIDE GOOD ROADS IN GOLDMINE TOWNSHIP, FRANKLIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, by the provisions of chapter eighty-four of the Public-Local Laws of one thousand nine hundred and nineteen, the township road commission of Goldmine Township, Franklin County, were authorized to issue bonds of said township in an amount not to exceed the sum of forty thousand dollars, for the construction, repair, and maintenance

Preamble.

Preamble. of roads in said township, and whereas, by chapter forty-six of the Public-Local Laws of the extra session of the General Assembly of one thousand nine hundred and twenty, the said township road commission were authorized by an election duly called and held on May eleventh, one thousand nine hundred and twenty, to issue an additional forty thousand dollars of road bonds of said township; and whereas by said act no additional rate of tax levy was provided because at that time the tax value in the township was ample to provide for interest and a sinking fund on eighty thousand dollars of bonds; and whereas, by the horizontal cut of forty per cent in values made by the commissioners of Franklin County under the power given to them under the Revaluation Act, the tax values in said township were reduced to five hundred and eighty-four thousand two hundred nine dollars while the tax rate was not to be in excess of seventy-five cents on the hundred dollars in value under the original act, which tax rate was wholly inadequate to meet the obligation authorized by the taxpayers in the elections called and held for several bond issues: It is, therefore, further enacted

Preamble.

Preamble.

Further enactment.

SEC. 2. That for the purpose of enabling said township road commission to meet obligations assumed by the electors in said township in the several bond elections, section ten of chapter eighty-four of the Public-Local Laws of one thousand nine hundred and nineteen, being an act to provide good roads in Goldmine Township in Franklin County, be amended by striking out the word "twenty-five" in line seven thereof, and inserting in lieu thereof the word "forty," and by striking out, in line eight thereof, the words "seventy-five," and inserting in lieu thereof the words "one dollar and twenty cents."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 36

AN ACT RELATIVE TO THE ROADS OF MACON COUNTY

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Macon County shall constitute the highway commission of Macon County; that said board of county commissioners, acting as said highway commission, shall have full power and authority

Highway
commission
of Macon
County given
authority.

over all the roads and bridges of Macon County not under the jurisdiction and control of the State Highway Commission, with full authority and power to build, construct and maintain all roads and bridges within said county of Macon and to enter into any contract or contracts with the State Highway Commission either for the building and construction of any highway or bridges within the county of Macon or the maintenance and upkeep of any highway or bridges in said county of Macon. That sections three thousand six hundred and sixty-nine and three thousand six hundred and seventy-one of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen shall constitute a part of the road laws of the county of Macon.

Road laws
of Macon
County.

SEC. 2. That any road or highway within said county that the said board of county commissioners may, under this act, maintain and keep in repair, shall be known and designated as a principal road or roads, whether said highway or roads are entirely maintained and kept up entirely by said county commissioners or in connection with the State Highway Commission under any contract that it might enter into with said highway commission or any other person, and said board of county commissioners are hereby authorized, directed and empowered to designate any road that they may see fit within the county of Macon as a principal road or highway: *Provided*, that such designation shall not in any way interfere with or change the location of any highway in said county, located and designated by the State Highway Commission.

Additional
authority given
highway
commission.

Proviso.

SEC. 3. That the county commissioners of Macon County are hereby authorized, directed and empowered to levy a special ad valorem tax of not less than ten cents nor more than twenty-five cents per one hundred dollars valuation of property, which tax shall be levied annually upon all the property of said county and shall be used by said board of county commissioners solely for the purpose of building, construction, repairing and maintaining roads and bridges situated within the county of Macon. That the special road and bridge tax so levied under this section shall be kept separate from all other taxes and shall be known and designated as the county road and bridge tax.

Ad valorem tax.

Annual levy.

Building
purposes.

To be kept
separate.

SEC. 4. That the county commissioners of Macon County shall, on the first Monday of March, one thousand nine hundred and twenty-five, appoint not less than two nor more than three trustees for each township in the county, said trustees shall be appointed from good and lawful men, who shall be residents of such township. That the county commissioners shall, on said date and every year thereafter, appoint the successors in

Appointment
of trustees.

Authority to remove trustees. office of said trustees, and said county commissioners of Macon County are hereby given the right to remove any one or all of the trustees so appointed for cause shown at any time; that the county commissioners of said county shall annually fix the pay of the said trustees so appointed by them, and make such rules and regulations for the conduct and guidance of said trustees as in the opinion of said county commissioners would operate to the benefit of the roads of said county. That said trustees shall meet at once after their appointment and organize by electing one of their number chairman and one secretary, and shall forthwith report their proceedings to the board of county commissioners in writing, which report shall be filed with the clerk of the board in the office of the register of deeds for said county. That the trustees so appointed shall meet so often as it may be necessary for the transaction of their business. The said trustees shall proceed, at the first meeting after the appointment, to divide the roads of their township into suitable and convenient districts and appoint a supervisor or overseer for each road district and shall fix his pay. It shall be the duty of each supervisor or overseer immediately after his appointment to put his section of road in good condition and to keep the same in good condition during his term of office. The trustees shall also be responsible for the condition of the road in their township. And at said first meeting shall appoint one of the number as road supervisor of their township, and fix his compensation, and the number of days he shall serve each month, said compensation not to exceed two dollars per day, same to be paid by the county commissioners out of the same funds the trustees are paid from, whose duty it shall be to supervise and oversee the roads of the township and report at least once a month to said trustees the condition of the roads in the township.

Compensation of trustees.

Rules for trustees.

Meeting to elect chairman.

Report to be filed.

Further meetings.

Division of roads; appointment of supervisor.

Duties of supervisor.

Supervisor of township; compensation.

Duties.

Liabile to do labor on roads.

Proviso.

Further authority board of county commissioners.

SEC. 5. That all able-bodied male persons between the ages of twenty-one and forty-five years shall be liable to do and perform four days labor on said roads annually under the direction of the overseer or supervisor of the road district in which they reside: *Provided*, if any person warned, as herein-after provided, shall at the time of being warned, or at any time before the date on which he is to perform such labor, pay to the overseer or supervisor in lieu of such labor the sum of five dollars, the same shall be received in satisfaction for such labor for the year. That it shall be the duty of the overseer or supervisor to order out every such person aforesaid to do and to perform the work as aforesaid; that the board of county commissioners of Macon County is hereby vested with the power and authority to fix and designate the number

of days that said persons shall be required to work at any one time and the number of hands that any one overseer or supervisor shall be allowed to work at any time. If any such person, after being warned by the overseer or supervisor for as much as two days before the time of meeting to perform said road work, shall fail or refuse to perform such work, or shall fail or refuse to furnish an able-bodied substitute, or shall fail or refuse to pay the five dollars hereinbefore provided, said person shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars for each offense or be imprisoned not exceeding thirty days. It shall be sufficient warning to tell the person of the time and place of meeting or by leaving a written notice at his usual place of abode with some person of suitable age and discretion. Ten hours shall constitute a day's work under this act.

Refusal.

Penalty.

SEC. 6. That the overseer or supervisor, is hereby authorized to collect the five dollars in lieu of work as hereinbefore provided for in this act, and shall receipt the person paying the same in full for his four days labor, and shall pay said money to the treasurer of the board of trustees of his township, rendering a full statement to him of all moneys so collected at least once every month. That a failure on the part of said overseer or supervisor to so account to said treasurer for said moneys so received by him shall be a misdemeanor and upon conviction for the above offense the person so convicted shall be fined or imprisoned at the discretion of the court. That each and every failure to so account for said moneys or to turn over the same to the township treasurer, as above set forth, shall be constituted a separate offense. That any overseer or supervisor who shall fail or neglect to keep his road in reasonable condition shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the court. That any road trustee within said county, or any board of trustees for any township in said county, who shall neglect or allow the roads of their township to be and remain in a dangerous condition so the same are not safe for the public to travel, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the court.

Statement of
moneys
collected.Penalty for
failure.Separate
offense.

Misdemeanor.

Penalty.

Misdemeanor.

Penalty.

SEC. 7. That the county commissioners of Macon County are hereby authorized, directed and empowered to levy a special road tax on all the taxable property of the county of not less than fifteen cents per one hundred dollars valuation of property nor more than fifty cents on the one hundred dollars valuation of property, which tax shall be kept separate from all other taxes, and which shall be levied on all the taxable

Township
special road
tax.

Collected by
sheriff; held
by treasurer.

Treasurer to
enter into bond.

Petition for
additional
special
road tax.

To be known
as extra
special
road tax.

Expenditure
of road funds;
additional
authority.

property of said county, and shall be known and designated as the township special road tax, and all moneys so levied under this section shall be used in the township in which the same is so levied and collected. All moneys collected under this section shall be collected by the sheriff of Macon County, and shall be turned over to the treasurer of the township trustees of each township upon order of the board of county commissioners of Macon County. That before any of said money shall be turned over to said treasurer of the road trustees of any township in said county, said treasurer shall enter into a bond with good and sufficient surety in the sum equal to the amount of money arising from the tax so levied under this section in his respective township, which bond shall be approved by the board of county commissioners of Macon County, which approval shall be recorded in the minutes of the board of county commissioners of Macon County, and said bond duly recorded and preserved as other officers' bonds of the county officers of Macon County are recorded and preserved. That if, in the opinion of any board of trustees of any township in Macon County, the amount of taxes so levied by the county commissioners is insufficient for the road work in their township, they shall petition the board of county commissioners of Macon County to levy an additional special road tax for said township, and it shall be the duty of the board of county commissioners to so levy such special road tax for said township on all the taxable property of said township which special road tax shall be not less than five cents nor more than twenty-five cents on the one hundred dollars valuation of property, which tax be kept separate from all other taxes and shall be known and designated as an extra special road tax for the township in which the same is levied. That this tax may be levied at any time, and in each township where said special tax is so levied and collected the treasurer of the board of trustees shall increase his bond so as to cover said special tax. That said moneys so collected shall only be used within the township in which it is levied and collected.

SEC. 8. That the road trustees of each township in Macon County are hereby vested with the right and duties of keeping the several roads in their respective townships in good repair and expending the township road funds herein provided and shall also have the authority to build and construct any road wholly within their respective townships, but shall not have the authority to spend any money for the building or constructing of said roads other than what is levied under this

act and known as the special township road tax, and the extra special road tax for the township in which the same is levied.

SEC. 9. That all new roads constructed in the county of Macon, either by the county commissioners or by the road trustees of any township, shall be paid off and staked out by some competent engineer or surveyor. That after said road is so laid off and staked out by a competent engineer or surveyor, and his report filed either with the county commissioners of Macon County or the road trustees of the township, as the case may be, then it shall be the duty of the county commissioners of Macon County or of the road trustees of the township, as the case may be, to order a jury of three freeholders to view said premises after notice to all of the property owners through which said road runs, and assess such damages as may be sustained, always considering the benefits arising to the owner of the lands in the assessment of such damages.

That said jury shall file their report either with the board of county commissioners or the trustees of the township, as the case may be, and when said road is constructed by the board of county commissioners of Macon County, they shall pass on said damages and either approve or disapprove same and a low such amount as in their judgment would be proper, but from the order of said board of commissioners and the report of said jury either party may appeal to the Superior Court of Macon County, where the question of such damages shall be heard de novo. That if said road is built and constructed by the township trustees they shall pass upon the damages so allowed and allow such sum as in their opinion shall be proper and from their decision and report of said jury either party may appeal to the board of county commissioners of Macon County who shall pass upon said matters and render their judgment accordingly and from the decision of the board of county commissioners either party may appeal to the Superior Court of Macon County, where such case shall be heard de novo as to the question of damages only. That the question of damages shall in no way hinder or obstruct the building and construction of said road or roads either by the board of county commissioners of Macon County or township trustees, but that said roads shall be built and constructed upon the orders of said board, the same as if no question of damages had arisen, and that said appeal shall only be allowed on the question of damages alone and not as to the building or construction of said roads.

That all damages arising from the building or construction of a road by the board of county commissioners of Macon County shall be paid out of the county road funds provided for in this

New roads to be staked out by engineer or surveyor.

Jury to view proposed road.

Assessment of damages sustained.

Reports filed.

Appeal to Superior Court in question of damages.

Damages not to hinder construction of road.

Damages to be paid out of county road funds.

act. That all damages allowed for roads built or constructed by the township trustees shall be paid out of the special township road funds provided for under this act, and from the road funds of the township in which said road is so built or constructed.

Sec. 10. That any lumber company, corporation, person or persons engaged in the lumber business and desiring to use any of the roads of Macon County for the purpose of carrying on its or their business of hauling, either by themselves or by hiring or by contracting with others, lumber, mill logs or other heavy material with log wagons, log carts, or other heavy vehicles, shall pay a license tax or privilege tax of two cents per thousand feet of lumber, mill logs or heavy material so hauled, said tax being payable to the secretary-treasurer of the road trustees of the township in which said hauling is done and money arising under this section shall be expended over the same section of road hauled over, and it shall be the duty of any lumber company, corporation, person or persons engaged in the lumber business as hereinbefore set out, to make monthly reports to the road trustees of each township in which it or they are engaged in said business, said report to be made on the first Monday of each month of the number of feet of all lumber, logs or other heavy material so hauled during the preceding month. Said report shall accurately state the number of feet of lumber, logs, or other heavy material hauled and the same shall be itemized and sworn to. That any lumber company, corporation, person or persons so engaged in the lumber business failing to make the same accurately and truthfully, or failing to pay the said license or privilege tax hereinbefore set out, shall be guilty of a misdemeanor and shall be fined fifty dollars for each offense. The failure to make said report and to pay the said privilege tax each month shall constitute a separate offense. In addition to the fine herein provided for such lumber company, corporation, person or persons shall likewise forfeit the sum of ten dollars for each day that such report is neglected to be made after the time specified that the same shall be done. That said forfeiture shall be collected by proper proceedings instituted in a court of a justice of the peace in said county against such delinquent by the chairman of the board of trustees and all money, after paying expense of such arising under this section, shall be used for the improvement of the section of road over which such hauling was done.

License tax for lumber companies, corporations, etc.
Payable to treasurer.
Monthly reports to trustees.
Contents of report.
Misdemeanor; penalty.
Fine for neglect.
Use of money collected.

Sec. 11. That sixty-six and two-thirds per cent (66 $\frac{2}{3}$ %) of all the money arising under this act from property situated within the corporate limits of the town of Franklin shall be

paid over by the sheriff or tax collector to the tax collector of the town of Franklin, to be used by the board of aldermen of the town of Franklin to improve the streets and sidewalks in said town and thirty-three and one-third per cent (33 $\frac{1}{3}$ %) of the money arising from the property within the corporate limits of the town of Franklin shall be used by the road trustees to maintain and improve the roads outside the corporate limits of the town of Franklin, but in Franklin Township. That the town of Franklin shall be a unit of its own and shall have full authority over all the streets and sidewalks within the corporate limits of said town, shall have the right to appoint its own overseer or supervisor and shall be entitled to all the free labor within said corporate limits as provided for in this act or to collect the five dollars provided for in lieu of said labor.

Certain per cent for improvement of streets of Franklin.

Maintenance of roads.

Town of Franklin to be unit of its own.

SEC. 12. That this act shall only apply to Macon County; that the road year for Macon County shall begin on the first day of March in each and every year and shall end on the last day of February in each and every year. That nothing in this act shall be construed to conflict in any way with chapter two of Public Laws of one thousand nine hundred and twenty-one, or any laws amendatory thereto.

Act applies only to Macon County.

This act not in conflict with chapter 2, Public Laws of 1921.

SEC. 13. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they apply to the county of Macon.

Conflicting laws repealed.

SEC. 14. That this act be in force from and after the first day of March, one thousand nine hundred and twenty-five.

Date of effect.

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 37

AN ACT TO AMEND SECTION 2, CHAPTER 110, PUBLIC-LOCAL LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO WORK ON PUBLIC ROADS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and ten be and the same is hereby amended by striking out the words "two dollars," in line seven of said section, and inserting in lieu thereof the words "one dollar and sixty cents."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 38

AN ACT REQUIRING THE HIGHWAY COMMISSIONERS OF TYRRELL COUNTY TO MAKE REPORTS OF THEIR TRANSACTIONS.

The General Assembly of North Carolina do enact:

Report of board of highway commissioners of Tyrrell County.

SECTION 1. That the board of highway commissioners of Tyrrell County be and they are hereby directed and commanded to make a report showing their receipts, and from what source they came, their disbursements and for what purpose the money was paid out, and to whom paid, on or before the first Monday in March, June, September, and December of every year.

Report made to register of deeds.

SEC. 2. That said reports shall be made in typewritten form to the register of deeds of Tyrrell County, to be recorded in his office, and they shall post a copy of said reports at the courthouse door of Tyrrell County.

Copy reports posted.

SEC. 3. That failure to comply with sections one and two, or any part of either, each member of the said board shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor.
Penalty.

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

Conflicting laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 39

AN ACT TO PROHIBIT THE SALE OF THE COURTHOUSE SQUARE IN NEWLAND, AVERY COUNTY.

The General Assembly of North Carolina do enact:

Prohibit sale of courthouse square, Newland, Avery County.

SECTION 1. That it shall be unlawful for the county commissioners of Avery County now or hereafter to offer for sale, sell or in any manner dispose of all or any part of the courthouse square in the town of Newland, Avery County.

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

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 40

AN ACT VALIDATING CERTAIN BONDS OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of county commissioners of Alexander County adopted on the twentieth day of December, one thousand nine hundred and twenty-four, authorizing and selling thirty-five thousand dollars funding bonds of the county, and provided for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly. Funding bonds of Alexander County validated.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 41

AN ACT TO FIX AND PRESCRIBE THE PUNISHMENT UPON CONVICTION OF OPERATING AN AUTOMOBILE, OR OTHER MOTOR VEHICLE IN GATES COUNTY, WHILE INTOXICATED, AND TO AMEND SECTION 4506 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, IN SO FAR AS GATES COUNTY IS CONCERNED ALONE.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall, while intoxicated, operate an automobile, or other motor vehicle, upon the public highways of Gates County, or upon any streets of any town or village in said county, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred and fifty dollars (\$150), or imprisoned not less than three months, or both, at the discretion of the court. Operation motor vehicles while intoxicated Gates County.
Misdemeanor; penalty.

SEC. 2. That this act shall apply only to Gates County, and all laws in conflict therewith as far as Gates County is concerned are hereby repealed. Application of act; conflicting laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 42

AN ACT TO AMEND CHAPTER 130, PUBLIC-LOCAL LAWS OF 1917, RELATIVE TO THE WORKING OF THE PUBLIC ROADS OF COLFAX TOWNSHIP, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Highway
commission
Colfax
Township
abolished; board
of commissioners
vested with
authority.

SECTION 1. That the highway commission of Colfax Township of Rutherford County created under and by virtue of authority contained in chapter one hundred and thirty, Public-Local Laws of one thousand nine hundred and seventeen, and acts amendatory thereto, be and the same is hereby abolished and all powers, rights, authorities, privileges, and duties now vested in said highway commission shall cease; and the board of commissioners of Rutherford County, and such other officers of said county as would now have had charge of the management and control of the roads of Colfax Township had not said township voted for road bonds, shall, from and after the ratification of this act, be vested with all rights, authorities, privileges and duties affecting Colfax Township as are now exercised by them in those townships of Rutherford County which have not voted for road bonds under authority of said chapter one hundred and thirty, Public-Local Laws of one thousand nine hundred and seventeen and acts amendatory thereto.

SEC. 2. That on or before the first day of March, one thousand nine hundred and twenty-five, said highway commission of Colfax Township shall render to the board of commissioners of Rutherford County a statement showing in detail as follows:

(a) The amount of cash in the hands of said commission.

(b) The amount owing to any person, firm or corporation by said commission for services, labor or material, or for any liability of any nature whatsoever.

(c) An itemized list of all road machinery, credits or other property owned by the commission and the value thereof.

And said highway commission shall deliver over to said board of commissioners of Rutherford County all of said property together with all contracts for unfinished road construction work and other papers and records necessary for a proper understanding of the prosecution of the unfinished work theretofore conducted by said commission.

Report of
highway
commission to
board of
commissioners.

Property and
contracts to be
handed over.

SEC. 3. Should the property (other than cash) delivered to said board of commissioners under provision of section two hereof be suitable or needed by the board of commissioners and should the said board of commissioners be able to agree with the said highway commission on its value, then said commissioners may purchase said property from said highway commission and deliver over the proceeds of said sale together with the cash which may be delivered to said board of commissioners under section two of this act to the county treasurer of Rutherford County to be disbursed in the same manner as though it had been received from the sale of bonds of Colfax Township. Should the highway commission of Colfax Township and said board of commissioners fail to agree as to the value of said property; or should the same, in the judgment of said board of commissioners, be unsuitable or unnecessary for county purposes, then said board of commissioners may sell the same at public auction and pay over the proceeds to the county treasurer as hereinabove provided; and all disbursements of moneys received by said board of commissioners from said highway commission of Colfax Township and from the proceeds of the sale of property turned over to said board of commissioners by said highway commission of Colfax Township under provisions of sections two and three hereof of this act shall be disbursed by the county treasurer upon orders duly signed by the chairman of the board of commissioners and of the secretary thereof.

Purchase of property.

Public auction of property upon failure to agree on price.

Moneys disbursed by county treasurer.

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

Conflicting laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 43

AN ACT TO PROVIDE FOR THE ELECTION AT THE GENERAL ELECTION IN NOVEMBER, 1926, OF 5 MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF VANCE COUNTY, 3 OF WHICH MEMBERS SHALL BE ELECTED FOR A TERM OF 2 YEARS AND 2 FOR A TERM OF 4 YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That at the general election in November, one thousand nine hundred and twenty-six, the qualified voters of Vance County shall elect five members of the board of county

Election board county commissioners Vance County.

Terms of
service.

commissioners, three of whom shall be elected for a term of two years, and two of whom shall be elected for a term of four years, and at each successive election the qualified voters of said county shall elect commissioners for those members of the board of county commissioners whose terms expire at said general election, one commissioner for a term of two years, and two commissioners for a term of four years.

Conflicting
laws repealed.

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

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 44

AN ACT TO PROHIBIT SHOOTING IN A SUBURB OF ALBEMARLE, KNOWN AS OAKWOOD PARK.

The General Assembly of North Carolina do enact:

Unlawful to
hunt, fish or
shoot in
Oakwood Park.

SECTION 1. That it shall be unlawful for any person to hunt, or fish, without gun or dog, or to shoot in what is known as Oakwood Park, a suburb of Albemarle, North Carolina, consisting of the territory formerly embraced in the old Lowder pasture: *Provided, however,* this act shall not prohibit shooting in defense of person or property.

Exception.

Misdemeanor;
penalty.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 45

AN ACT TO REQUIRE THE BOARD OF ROAD COMMISSIONERS OF STANLY COUNTY TO MAKE AND FILE WITH THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY AN ANNUAL ITEMIZED STATEMENT OF RECEIPTS AND EXPENDITURES OF SAID BOARD.

Report of
board of road
commissioners
of Stanly
County to the
board of county
commissioners.

The General Assembly of North Carolina do enact:

SECTION 1. The board of road commissioners of Stanly County shall make and file with the board of county commissioners of Stanly County, on the first Monday of July, one thousand nine

hundred and twenty-five, and annually on the first Monday in each July thereafter, a full, complete and accurate statement and account, itemized, of all funds received and expended by or under authority of said board of road commissioners of Stanly County from the first day of July of the preceding year to the first day of July, in which said statement and account shall show the date and from what source said funds were received, and the date and for what purpose same were expended, and briefly upon what roads expended.

Contents
of report.

SEC. 2. The board of county commissioners of said county shall receive the itemized statements and accounts of the board of road commissioners required to be filed with said board as provided in section one of this act, and shall have the same properly recorded in permanent record book to be provided by said board of county commissioners for that purpose, which book shall be designated and marked "Accounts of Board of Road Commissioners," and shall be kept in the office of the register of deeds of said county as a permanent public record of said office.

"Accounts of
Board of Road
Commissioners"
to be kept in
office of
register of
deeds.

SEC. 3. That the said board of county commissioners shall have the itemized statement herein required published in some newspaper published in Stanly County.

SEC. 4. That the minutes and records of proceedings of the board of road commissioners of Stanly County shall be deposited and kept in the office of the register of deeds of Stanly County, and shall be open to public inspection.

Minutes of
board of road
commissioners
in office of
register of
deeds.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 46

AN ACT TO RATIFY AN ISSUE OF ROAD AND BRIDGE BONDS BY TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the one hundred and twenty-five thousand dollars of five and three-quarter per cent road and bridge bonds of Transylvania County authorized by a resolution of the board of commissioners adopted January fifth, nineteen hundred and twenty-five, pursuant to sections thirty-seven sixty-seven to thirty-seven seventy-two of Consolidated Statutes, said bonds to be dated January first, nineteen hundred and twenty-five, and payable five thousand dollars thereof on the first day of January in each of the years nineteen hundred and thirty-five

Issuance of
bonds
authorized.

to nineteen hundred and fifty-nine, both inclusive, be and the same are hereby fully authorized, ratified, approved and confirmed.

Board of commissioners of Transylvania County authorized levy special tax.

SEC. 2. That the board of commissioners of Transylvania County is hereby authorized and empowered to levy and collect annually, at the time other taxes are levied and collected, a special tax sufficient in rate and amount to pay the interest on said bonds as the same becomes due, and to create a sinking fund to pay the principal of said bonds.

Bonds declared valid.

SEC. 3. That the said bonds are hereby declared to be valid and binding obligations of said Transylvania County, notwithstanding any conditions, restriction or limitation contained in any other act of the General Assembly, either general, local or special.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 47

AN ACT TO CREATE ROAD ELECTORATE FOR STANLY COUNTY, AND TO DEFINE ITS DUTIES.

The General Assembly of North Carolina do enact:

Road electorate for Stanly County.

SECTION 1. That there is hereby created for Stanly County a road electorate, to be composed of a member from each township in the county and one member from the county at large, and they shall hold office for four years from the first Monday in April, one thousand nine hundred and twenty-five, and until their successors are appointed and qualify. Before entering upon their duties they shall take an oath to faithfully and impartially discharge their duties herein imposed.

Members.

SEC. 2. That G. D. Blalock, Center Township; J. A. Kimmer, Tyson Township; D. P. McSwain, Endy Township; W. I. Little, Big Lick Township; Wade Love, Furr Township; Matthew Furr, Almond Township; Jonas Shoe, Ridenhour Township; J. A. Coggin, Harris Township; J. D. Lowder, North Albemarle Township; Jim Curlee, South Albemarle Township; and J. M. Boyett from the county at large, be and are hereby appointed members of the said road electorate, to hold office as herein set out, and the first meeting of said road electorate shall be held in the courthouse in Albemarle, in said county, at eleven o'clock a.m., on the first Monday in April, one thousand nine hundred and twenty-five, and after taking the oath herein

Meetings.

required shall proceed to organize: *Provided*, that the member at large shall be ex officio chairman of said road electorate. Said road electorate shall meet each quarter and may have continued or call meetings as they may deem proper.

SEC. 3. That said road electorate shall keep themselves advised as to the condition of all roads and bridges in said county and are empowered to make recommendations concerning same to the board of road commissions, later herein provided for, and generally to make such recommendations concerning the management, laying out, repairing, altering, improving or establishing the public roads and bridges in said county as may seem proper.

Duties.

SEC. 4. That at its meeting on the first Monday in April, one thousand nine hundred and twenty-five, and every two years thereafter said road electorate shall elect five citizens of Stanly County of good character as members of and who shall constitute the board of road commissions for Stanly County, who shall hold office for two years from the second Monday in April, one thousand nine hundred and twenty-five, and until their successors are appointed and qualify, and any member or members of the road electorate shall be eligible for membership on the board of road commissions.

Election of
board of road
commissions.

SEC. 5. That the chairman of the road electorate shall immediately notify the persons elected members of the board of road commissions as herein provided, and they shall assemble at the courthouse in Albemarle at ten o'clock a.m. on the second Monday in April, one thousand nine hundred and twenty-five, and after taking the oath of office prescribed by law, proceed to organize by electing one of their body as chairman, and such other officers as the present board of road commissions now has power to elect.

Organization.

SEC. 6. That upon its organization said board of road commissions of Stanly County shall become a body corporate, and shall succeed to all the rights and privileges and be vested with the same authority as is now given the present board of road commissions of Stanly County by chapter four hundred and three, Public-Local Laws, one thousand nine hundred and twenty-one, or any other acts amendatory thereof, or any other law, or the Constitution of the State. That the term of office of each member of the present board of road commissions of Stanly County shall expire on the second Monday in April, one thousand nine hundred and twenty-five, upon the reorganization of the board herein provided for: *Provided*, nothing herein shall prevent any member of the present board from being elected on the board herein provided for.

Board of
road
commissions.

Authority.

Term of office.

Refusal to
qualify.

SEC. 7. In event any person herein named as a member of the road electorate shall refuse to qualify, the clerk of Superior Court of Stanly County is directed and empowered to appoint some other person from the same township in place of the appointee herein named. In event of the death or resignation of any member of said road electorate, the remaining members shall elect his successor from the same township, and nothing herein shall prevent any member of the road electorate from holding other office.

Death or
resignation.

Compensation;
proviso.

SEC. 8. The members of said road electorate shall receive the sum of three dollars per day while engaged in the discharge of their duties herein defined: *Provided*, no member shall receive fees as a member of the road electorate and road commissions, but in event of membership in both, then only fees as road commissioner, and that the regular meeting place of said road electorate shall be in the courthouse in Albemarle.

Conflicting
laws repealed.

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 from and after its ratification.

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 48

AN ACT TO NAME THREE HIGHWAY COMMISSIONERS FOR THE COUNTY OF CURRITUCK.

The General Assembly of North Carolina do enact:

Members.

SECTION 1. That under and by virtue of the provisions contained in chapter two hundred and sixty of the Public-Local Laws of one thousand nine hundred and fifteen, the following named citizens and taxpayers of Currituck County be and they are appointed members of the Currituck highway commission:

Dr. W. H. Cowell, whose term of office shall be two years from the first Monday in March, one thousand nine hundred and twenty-five, or until his successor is appointed and qualified;

D. W. Bagley, whose term of office shall be for four years from the first Monday in March, one thousand nine hundred and twenty-five, or until his successor is appointed and qualified;

R. L. Griggs, whose term of office shall be for six years from the first Monday in March, one thousand nine hundred and twenty-five, or until his successor is appointed and qualified.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 49

AN ACT TO FIX THE FEES OF PROCESS OFFICERS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the officers of Warren County shall receive the following fees for serving process: Fees for serving process.

Arrest of a person indicted, including all services connected with the taking and justification of bail, one dollar and fifty cents;

For executing summons or any other writ or notice, seventy-five cents;

In claim and delivery for serving original papers and for taking the property claimed, two dollars;

For serving execution, one dollar.

SEC. 2. That this act shall only apply to Warren County. Application of act.

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

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 50

AN ACT RELATING TO THE COMPENSATION OF THE COUNTY COMMISSIONERS OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in December, one thousand nine hundred and twenty-six, the chairman of the board of county commissioners of Yancey County and the other members of said board shall receive five dollars a day each as full compensation for their services when in session, this to be in lieu of all other compensation heretofore fixed. Compensation.

SEC. 2. That beginning with the first Monday in April, one thousand nine hundred and twenty-five, the said board of county commissioners shall only meet in regular session on the first Monday in each month instead of the first and third Mondays Meetings.

as at present, but this does not preclude any special meeting which may be necessary.

Conflicting
laws repealed.

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

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 51

AN ACT TO AMEND CHAPTER 27, SECTION 4, PUBLIC-LOCAL LAWS, SESSION, 1923, RELATIVE TO THE SALARY OF TAX COLLECTOR, MADISON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter twenty-seven, section four, Public-Local Laws, North Carolina, session, nineteen hundred and twenty-three, be amended by striking out the words and figures: "fifteen hundred dollars (\$1,500)," in line three of said section four, and substituting in lieu thereof the words and figures: "two thousand dollars (\$2,000)."

Conflicting
laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 52

AN ACT TO AMEND SECTION 2, CHAPTER 101 OF PUBLIC-LOCAL LAWS, 1923, RELATIVE TO COMPENSATION OF TREASURER OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Substitute for
section 2,
chapter 121,
Public-Local
Laws, 1923.

SECTION 1. That section two of chapter one hundred and one of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed and the following substituted therefor:

"That the treasurer of Transylvania County shall receive an annual salary of two thousand (\$2,000) dollars, which sum shall be in full for all services rendered by him for handling the moneys turned over to him by the tax collector of said county and for such expense as he may incur in having his

bond executed and delivered to the board of commissioners of said county; said sum shall be paid to said treasurer by the board of commissioners of said county out of the fund known as the 'salary fund'."

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 53

AN ACT TO ABOLISH THE OFFICE OR TRUST OF FINANCIAL AGENT OF GREENE COUNTY, AND TO CREATE OR REESTABLISH THE OFFICE OF TREASURER OF GREENE COUNTY, AND TO PROVIDE FOR THE APPOINTMENT OR ELECTION OF SAID OFFICER AND TO REGULATE THE SALARY OR COMPENSATION OF SAID OFFICER AND THE BONDS REQUIRED.

The General Assembly of North Carolina do enact:

SECTION 1. That the office or trust of financial agent of Greene County is hereby abolished from and after the first Monday of March, one thousand nine hundred and twenty-five, and that the office of county treasurer of Greene County is hereby created or reestablished, the term of said office to be from the first Monday of March, one thousand nine hundred and twenty-five, until the first Monday of December, one thousand nine hundred and twenty-six, at an annual salary or compensation to be fixed by the board of commissioners of said county of Greene, not exceeding the sum of two thousand dollars per annum, to be paid in equal monthly installments on the first Monday of each month: *Provided*, that said salary or compensation may be increased at any time after the beginning of said term of office, if in the opinion of said board of commissioners the salary or compensation originally fixed upon is inadequate for the services rendered in the discharge of the duties of said office: *Provided further*, that said increase shall not be greater than the said amount of two thousand dollars per annum.

Sec. 2. That said board of commissioners on the first Monday of February, one thousand nine hundred and twenty-five, or at any adjourned meeting to be designated and held in that month, or at some subsequent meeting, regular, adjourned or called of said board of commissioners, shall appoint or elect a county treasurer for said term. At the next general election

Office
abolished.

Office
reestablished.

Compensation.

Proviso.

Further
proviso.

County
treasurer.

in November, one thousand nine hundred and twenty-six, and biennially thereafter, there shall be elected by the qualified voters of said county of Greene a county treasurer as provided for the election of the General Assembly, to hold office for a period of two years, the first of said terms of office beginning on the first Monday of December, one thousand nine hundred and twenty-six.

Term of office.

Treasurer to furnish bonds.

Accounting of funds.

Additional bond.

Authority to increase amount of bonds.

Failure to furnish bond.

Result.

Furnishers of bonds.

SEC. 3. That said county treasurer before entering upon the duties of said office shall give or furnish bonds, conditioned upon such terms and amounts as the said board of commissioners may determine and require. That the bond or bonds shall be conditioned upon the faithful performance of said duties of office of county treasurer, and that there shall be an accounting for all moneys or funds which shall come into the hands of said county treasurer, and the rendering of a just, true and accurate account thereof as required by law, or by the said board of commissioners. That another and additional bond shall be given and furnished and conditioned upon the faithful performance of the duties of said office of county treasurer, particularly as to the moneys or other funds appropriated and paid over to the said county treasurer for the use, benefit, or maintenance of the public schools of Greene County, from taxes, fines, penalties, or all other sources.

SEC. 4. That the said board of commissioners shall have the right, power and authority at any time to require of said county treasurer an increase in amount of bond or bonds whensoever it is deemed and regarded advisable or expedient by said board of commissioners, for the proper and more adequate protection and safeguarding of any moneys or funds of whatsoever nature that may be in the hands of the said county treasurer, and that in the event of the failure or refusal of said county treasurer to give and furnish such additional bond or bonds when so demanded and required, after ten days notice so to do, the said office shall be deemed and declared vacated by the said county commissioners, and then and in that event the said board of commissioners shall proceed to elect a successor to that office for the unexpired part or portion of that term of office, under similar requirements and regulations.

SEC. 5. That said bonds may be furnished by a reputable bonding company or bonding companies, duly approved by the said board of commissioners, or the same may be made and furnished with three or more sureties to be approved, without appeal or question on the part of said county treasurer, by said board of commissioners.

SEC. 6. That in the event said bond or bonds shall be made and furnished by such reputable bonding company or companies, all the premiums on the same, originally required or afterwards required, shall be paid upon orders drawn by the said board of commissioners.

Bonds paid upon orders.

SEC. 7. That on the first Tuesday following the said first Monday in March, one thousand nine hundred and twenty-five, or immediately after qualification of said county treasurer, the board of commissioners of said county, the sheriff, the tax collector, the Snow Hill Banking and Trust Company, financial agent of said county of Greene, and all other officers in said county of Greene, shall turn over to said county treasurer hereinbefore provided for all funds, moneys, and evidence of indebtedness belonging to or due said county, and at the end of each and every week, or such period as the said board of commissioners may require, the sheriff and tax collector shall turn over to the said treasurer all such county funds, moneys, or evidences of indebtedness that may come into the hands of said officer, sheriff or tax collector.

Reports of indebtedness, etc., to be made to county treasurer.

SEC. 8. That the duties of said office of county treasurer shall be governed by provisions of chapter twenty-six of the Consolidated Statutes.

Duties of office.

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

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 54

AN ACT TO REPEAL CERTAIN PROVISIONS OF SECTION 7, CHAPTER 77, AND SECTION 7, CHAPTER 116, PUBLIC LAWS OF 1919, RELATING TO COMPENSATION FOR DAMAGES DONE BY DOGS IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of section seven of chapter seventy-seven and all of section seven of chapter one hundred and sixteen of the Public Laws of one thousand nine hundred and nineteen after the word "collected," in line three, be and the same is hereby stricken out and repealed in so far as same is applicable to Transylvania County only.

Sections repealed relating to compensation for injury or damages done by dogs.

Conflicting laws repealed.

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

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 55

AN ACT TO PROVIDE A CALENDAR FOR THE CRIMINAL COURTS OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That after the ratification of this act the clerk of the municipal court of the city of Hickory, all of the justices of the peace in and for Catawba County, and the clerks of all other inferior courts that may hereafter be established in Catawba, shall on the tenth day before the convening of the criminal or mixed term of the Superior Court of Catawba County make out and deliver to the clerk of said Superior Court their returns and the papers in all cases in which defendants have appealed from the judgments rendered in their respective courts, or have been recognized to appear at said term of the Superior Court of Catawba County.

SEC. 2. That any clerk of a municipal, recorder's or other inferior court or any justice of the peace in said county who shall willfully fail to comply with the provisions of section one of this act shall be guilty of malfeasance in office, and upon conviction shall be removed from office.

SEC. 3. That on Monday before the convening of any criminal term of the Superior Court of Catawba County the clerk of said court shall make out a calendar in the following order: (1) Cases in which the defendants are required by a former judgment to appear and show good behavior; (2) Cases in which the defendants have been bound over by the inferior courts, and are in jail in default of bail; (3) All other cases in which the defendants are in jail; (4) All cases in which bills of indictment have not been returned and defendants are not in jail; (5) All other cases in which defendants are not in jail; (6) sci. fa. docket and forfeited recognizances.

SEC. 4. That immediately upon the completion of the calendar the clerk of Superior Court shall have the same printed, giving the name of the defendant, the offense charged, and the day of the week and month upon which the case is set for trial, and shall mail a copy of said printed calendar to the

Report to clerk of Superior Court.

Failure to comply malfeasance.

Removal from office.

Order of court calendar.

Calendar printed and sent to solicitor and newspapers.

solicitor of the district and to each weekly and daily newspaper published in Catawba County, and, upon request, deliver a copy to each officer of the court and to each attorney practicing at the Catawba County bar.

SEC. 5. That it shall be the duty of the solicitor of the district to have all bills for each day's calendar prepared and present the same to the grand jury upon the opening of court each day of the term except Monday of the first week of the term, when they shall be presented to the grand jury immediately upon the completion of the charge of the court.

Bills to be presented to grand jury.

SEC. 6. That the grand jury shall be required to be in attendance at each term not less than three days.

Term of grand jury.

SEC. 7. That cases shall be tried in the order in which they are on the calendar. If for sufficient reason the State or defendant is not ready for trial at the time the case is reached, the same shall be continued for the term unless otherwise set for trial by the court.

Order of cases.

SEC. 8. That the defendants and witnesses recognized to appear at any criminal or mixed term shall in the recognizance be ordered to appear on the first day of the term, as now provided by law, but, in fact, shall not be required to appear until the day on which the case is set for trial, and no witness shall prove for attendance for any day prior to the one on which the case is calendared.

Appearance of defendants and witnesses.

SEC. 9. That the provisions of this act shall not apply to capital felonies.

Does not apply to capital felonies.

SEC. 10. That cases docketed in the Superior Court after the formation of the calendar shall stand for trial at the approaching term, and shall be heard in the discretion of the court.

Cases docketed after formation of calendar.

SEC. 11. That the county commissioners of Catawba County shall pay the expenses incurred by the clerk in having the calendar printed and mailed as provided in section four.

Printing expenses paid by county.

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

Conflicting laws repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 56

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MACON COUNTY TO LEVY A SPECIAL TAX TO PAY PAST INDEBTEDNESS OF MACON COUNTY.

The General Assembly of North Carolina do enact:

County commissioners authorized to levy tax.

SECTION 1. That the county commissioners of Macon County are hereby authorized, directed and empowered to levy a special ad valorem tax of not more than ten cents per one hundred dollars valuation of property, which tax shall be levied annually upon all property of said county, until the debts hereinafter mentioned shall have been paid, and shall be used by said county commissioners solely for said purpose, viz.: One note for five thousand two hundred and fourteen dollars and seventy-five cents and the interest thereon, and one note for thirteen hundred dollars and interest on same.

Purpose of tax.

SEC. 2. Any money arising under this act that may remain in the hands of the tax collector after the two notes above mentioned have been paid off shall be turned over to the general school fund of Macon County.

Amount left turned over to general school fund.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 57

AN ACT TO REPEAL CHAPTER 84, PUBLIC LAWS OF 1923, SO FAR AS IT RELATES TO YANCEY COUNTY AS TO THE DOG LAW THEREOF.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That wherever the word "Yancey" appears in chapter eighty-four of the Public Laws of one thousand nine hundred and twenty-three, that the same be stricken out and that chapter seventy-seven, Public Laws of one thousand nine hundred and nineteen, shall apply to Yancey County as if same had never been repealed by chapter eighty-four, Public Laws one thousand nine hundred and twenty-three, subject to the provisions herein enacted.

Amendment creating fund known as "sheep fund."

SEC. 2. That section seven of chapter seventy-seven, Public Laws of one thousand nine hundred and nineteen, shall not apply to Yancey County but instead thereof the following shall be inserted: "That the money arising under the provisions of

this act shall be collected and kept in a separate fund known as the 'sheep fund,' and that this chapter shall only apply to damages done in the injury or destruction of sheep, and the maximum amount paid for the injury or destruction of any one animal shall be eight dollars: *Provided*, it shall be the duty of the county commissioners, upon complaint made to them of injury to property or destruction of any sheep by any dog, upon satisfactory proof of such injury or destruction, of which they shall require affidavits from at least three reputable citizens of Yancey County, in which affidavits it shall be stated the exact knowledge which said affiants have of the destruction or injury to any sheep, and the value of any sheep injured or killed, and also any knowledge which they may have as to the owner of any dog which may have caused said injury or destruction. The county commissioners may also require further evidence if in their opinion they deem it necessary. And in cases where the owner of such dog or dogs is known or can be ascertained he shall reimburse the county to the amount paid out for such injury or destruction. To enforce collection of this amount the county commissioners are hereby authorized and empowered to sue for the same."

Injury to sheep
to be paid for
out of said
"sheep fund."

Fine for
injury.

SEC. 3. Any amount paid out by said board of county commissioners shall be drawn from the fund hereinbefore mentioned as the sheep fund.

SEC. 4. That any funds in the hands of the treasurer on July first and collected up to September first, and not paid out for the purpose herein mentioned, may be used to buy school books for indigent children: *Provided*, the parent or guardian shall make affidavit that the said parent or guardian is unable to buy such books: *Provided*, such donations for such books shall be paid out on order from the board of county commissioners to said treasurer. Any moneys in hand on January first shall be placed in the general county fund.

Use of
surplus funds.

Proviso.

General
county fund.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 58

AN ACT TO AMEND AND REVISE CHAPTER 40, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION, 1913, IN REGARD TO TRANSPORTING LUMBER, LOGS AND OTHER HEAVY MATERIAL OVER THE ROADS OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section repealed.

SECTION 1. That section twenty-four of chapter forty, Public-Local Laws of North Carolina, session, nineteen hundred and thirteen, be and the same is hereby repealed, and the following substituted in lieu thereof, to be known as section twenty-four:

Providing for county commissioners to issue a license for all persons, firms, or corporations transporting lumber and other heavy material over the roads.

"That any person, firm or corporation transporting or having transported by others, lumber, or timber, talc, oil, or any other heavy material, or operating any soft drink truck over the roads in Madison County, shall first obtain a license from the county commissioners or the road authorities for said county for that purpose, the fee for said license to be fixed by the said board or road authorities. That the said board or road authorities shall have the authority and are hereby empowered and required and shall issue license as provided in this section, and shall collect or cause to be collected the fees for same, and all sums collected under the provisions of this section shall be used for the purpose of repairing the road or roads where such transportation or hauling has been done: *Provided*, that the fee for license shall not be less than one cent per mile or more than two cents per mile for each one thousand feet of lumber or logs or gross ton of any other heavy material to be transported: *Provided further*, that the said board or road authorities may, in its discretion, make such reduction in fees for licenses to those transporting logs, lumber, talc, oil, or other heavy material, or operating soft drink trucks, or two-horse wagons with tires three inches and upwards in width or four-horse wagons with tires four inches and upwards in width, as they may deem proper, just and equitable."

Road authorities to issue license.

Proviso.

Further proviso.

Report to county commissioners of amount of material transported.

SEC. 2. That any person, firm or corporation obtaining the license herein provided for shall report to the county commissioners or the road authorities or to the clerk of the road authorities on the first Monday in each month the amount of logs, lumber, tanbark, acid wood, or other heavy material provided for in this act, hauled over the roads in Madison County the previous month, and shall make settlement for the same, and it shall be unlawful for any person, firm, or corporation to proceed to haul or cause to be hauled any more of the material herein provided for over the roads of Madison County until

Unlawful to haul without complying with this law.

settlement is duly made, according to the provisions of this act, for the previous month. And the amount due by such persons, firms or corporations for the previous month herein provided, and not settled for by such persons, firms or corporations, as herein provided, shall be a lien on the material hauled over the roads of Madison County by such person, firm or corporation, and the commissioners or road authorities of said county are hereby authorized and empowered to cause such material to be levied on, and sold to pay such amount as may be due under the laws for selling personal property under execution or attachment.

A lien on material for license taxes.

SEC. 3. That any person, firm or corporation failing to comply with any of the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court.

Misdemeanor; penalty.

SEC. 4. That upon the failure of any person, firm or corporation to comply with the provisions of this act, it shall be the duty of the commissioners or the road authorities to cause the clerk of the said board of commissioners or road authorities to make out a list of all such persons, firms or corporations that have failed to comply with the provisions of this act and to turn them over to the sheriff of Madison County to collect the same under the provisions of this act upon the same commission that is allowed to the sheriff of Madison County for collecting other license taxes.

List of failures furnished sheriff by clerk of board of county commissioners.

SEC. 5. That it is not the intention of this act to apply to persons hauling small amounts of lumber, tanbark, logs or acid wood, cut or taken from their own land, and the commissioners or road authorities of said county may in their discretion exempt such persons from the payment of said license as in their discretion may seem to them just and right. The intention of this act is to apply to all persons, firms, or corporations that make a business or part of their business in hauling or transporting over the roads of Madison County such material as is herein set forth, and not the farmers or landowners who haul occasional loads of tanbark, acid wood, logs, tale and soft drink trucks or lumber of their own over the roads in said county: *Provided*, any person who hauls over the roads of said county of Madison during the year from December first to December first as much as twenty tons estimated, shall be deemed to be in the business and this act shall apply to all such persons, and they shall pay the regular license tax for all the material thus transported by them over the roads of said county of Madison, and no person shall be exempt except by order of the board of county commissioners or road authorities in the hauling of said heavy material. The

Exemption, persons hauling small amounts from their own land.

Proviso: Persons hauling as much as 20 tons deemed to be in business under this act.

License tax.

Exemption.

commissioners of said county or road authorities, however, in their discretion, may fix the amount to be exempt as hereinbefore provided, less than twenty tons, if they deem it expedient and to the best interest of all concerned.

Enforcement
duty county
commissioners.

Misdemeanor.

List of failures
to State
solicitor.

Proviso:
Commissioners
to enforce law.

Does not apply
to merchants.

Conflicting
laws repealed.

SEC. 7. That it shall be the duty of the county commissioners or road authorities of the said county of Madison to enforce the provisions of this act, and upon failure to do so, the said county commissioners or road authorities shall be guilty of a misdemeanor. It shall be the duty of the said board of commissioners or road authorities to furnish to the State solicitor, before each term of criminal court for the said county of Madison, a list of the names of all persons, firms or corporations who have failed to comply with the provisions or any of the provisions of this act, and shall furnish to the solicitor said names, witnesses, by whom the said solicitor may prove such violation: *Provided, however,* that the furnishing the names to the solicitor as herein provided shall be no bar to the commissioners or the road authorities from prosecuting any violators of this act before justices of the peace, or other legally constituted authorities.

SEC. 8. That the provisions of this act shall not apply to merchants transporting their goods and wares and merchandise over the roads and highways in said county of Madison.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 59

AN ACT TO AUTHORIZE THE COMMISSIONERS FOR JACKSON COUNTY TO LEVY AND COLLECT SPECIAL TAX.

The General Assembly of North Carolina do enact:

Special taxes
to be levied.

SECTION 1. That the board of county commissioners of Jackson County be and the same is hereby authorized, fully empowered and directed to levy in each of the years one thousand nine hundred and twenty-five and one thousand nine hundred and twenty-six the following special taxes on the property of the county:

Expenses
maintaining
public buildings
and grounds.

First. A special tax not to exceed ten cents on each one hundred dollars valuation for the purpose of paying off and discharging the cost and expenses incurred by the Superior and

recorder's courts and in maintaining the public buildings and grounds.

Second. A special tax not to exceed ten cents on each one hundred dollars valuation for the purpose of paying off and discharging the county's bonded indebtedness.

County's bonded indebtedness.

Third. A special tax not to exceed five cents on each one hundred dollars valuation for the improvement of the county home and for the support of the poor in said county.

Improvement county home and support of poor.

SEC. 2. That the taxes authorized by this act shall be levied at the same time and collected and accounted for in the same manner as provided for the levying and collecting of other county taxes, and each shall be kept in separate fund and applied only for the purpose levied.

Time of levying.

Manner of collection.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 60

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WILSON COUNTY TO SET APART CERTAIN SPACE IN THE COURTHOUSE THEREOF FOR A COUNTY LIBRARY ASSOCIATION, AND TO PROVIDE METHODS AND MEANS OF OPERATING THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Wilson County are hereby authorized and empowered to set apart rooms and space in the courthouse thereof, not required for other purposes, for the use of a county library.

County library to use rooms in courthouse.

SEC. 2. The board of commissioners of Wilson County shall appoint two (2) members of the said board; the board of commissioners of the town of Wilson shall appoint two (2) members of said board and the literary department of the Wilson woman's club, inc., of Wilson shall appoint two (2) members of said board. The terms of office for the respective appointees shall be fixed by the board of commissioners of Wilson County.

Members of board; how appointed.

SEC. 3. The said board shall be known as the Wilson County library association and it shall have charge of the upkeep of the said library and the distribution of the books therein, and in general shall have general control of the library and may adopt such rules and regulations as may be deemed necessary and proper for the government and control of the said library.

Wilson County library association.

Donations.

SEC. 4. The said library association is hereby authorized and empowered to receive donations either in books, money, or other things of value to be used to the best interest of said library.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 61

AN ACT TO PROVIDE THE SCHEDULE OF FEES TO BE COLLECTED BY THE REGISTER OF DEEDS OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Fees of register of deeds, Person County.

SECTION 1. That the fees of the register of deeds of Person County, whether he is paid for his services on a salary basis, or in lieu of salary receives the fees, shall be the following, and no other for the services designated herein, that is: the register of deeds for the county of Person shall, while and when acting as the clerk to the board of county commissioners, be allowed the sum of five dollars (\$5) per day and shall be allowed the following fees as compensation for his services as register of deeds:

Registering deeds.

For registering any deed, deed of trust, contract, mortgage, or other writing authorized to be registered by him, not exceeding three copy sheets, the sum of eighty cents, and for each additional copy sheet, the sum of twenty cents.

Registering mortgage forms.

Registering chattel mortgage, statutory form, thirty cents.
Registering agricultural lien, and chattel mortgage, statutory form, forty cents.

Registering plots.

For registering plots, one dollar.
For comparing and certifying any instrument filed for registration when the copy is furnished by the party filing the instrument for registration, and at the time of filing, the sum of one dollar (\$1).

Certifying instrument.

For copy of any record or paper in his office, like fees as recording same, but when the seal is required, the sum of fifty cents extra.

Issuing notice.

For issuing each notice required by the county commissioners, including subpoenas for witnesses, fifteen cents; this shall not include orders drawn on the treasurer or financial agent of the county.

Recording order commissioners.

Recording and issuing each order of the commissioners, fifteen cents, and where a standing order is made for the payment of money, monthly or otherwise, there shall be charged but one fee.

Making out the original tax list four (4) cents per name for each name thereon and four (4) cents per name for each copy thereof.

Issuing marriage license, two dollars, of which one dollar shall go to the general county fund.

Issuing marriage licenses.

For transcript of limited partnership, one dollar.

For recording election returns from various precincts, twenty cents per copy, to be paid by the county.

All other fees shall be those now prescribed by law.

Transcript limited partnership.

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

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

Conflicting laws repealed.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 62

AN ACT TO REPEAL CHAPTER 205, PUBLIC LAWS 1905; CHAPTER 970, PUBLIC LAWS 1907; CHAPTER 472, PUBLIC-LOCAL LAWS 1921, RELATING TO COTTON WEIGHERS FOR THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and five, Public Laws, nineteen hundred and five, and chapter nine hundred and seventy, Public Laws of nineteen hundred and seven, and chapter four hundred and seventy-two of the Public-Local Laws of nineteen hundred and twenty-one be and the same are hereby repealed.

Acts repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 63

AN ACT VALIDATING CERTAIN BONDS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of county commissioners of Haywood County adopted on the seventeenth of November, one thousand nine hundred and twenty-four, authorizing and selling fifty thousand dollars road and bridge bonds of

Sale of bonds and special tax validated.

the county, and providing for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 64

AN ACT TO ESTABLISH A UNIFORM SYSTEM OF SCHOOL BOOKS FOR ALL PUBLIC SCHOOLS FOR ROCKINGHAM COUNTY AND TO REQUIRE THE POSTING OF A LIST OF SAID BOOKS ADOPTED 30 DAYS PRIOR TO THE OPENING OF THE SCHOOLS.

The General Assembly of North Carolina do enact:

Uniform
system of
school books.

SECTION 1. That all books to be used in the public schools of Rockingham County shall be the same for each school, whether county, city or special school district; that is, the same books for grade one shall be the same throughout the county, and likewise the books adopted for each succeeding grade shall be the same.

List to be
posted.

SEC. 2. That a list of all reference books or supplemental books adopted by the various schools, not included in the adopted list of books by the State or county system, shall be posted at the schoolhouse of every school in the county, whether county, city, town or special incorporated school, using the said reference or supplemental books, where said list may be seen by the public at least thirty days before the beginning of the use of said reference or supplementary books, and shall remain posted for the period of thirty days next preceding the beginning of their use in said school, giving on said notice the name of the book, the publisher, and where said book or books may be obtained, and the list price of said book. It shall be the duty of the principal or superintendent of each school to carry out the requirements of this section.

Contents of
notice.

Duty of
principal
of school.

Posted list at
the school.

SEC. 3. That it shall be the duty of the superintendent of the county schools, and of the superintendent of each city school, and of the principal or superintendent of each special chartered school to have posted at the school, where said list may be seen by the public for a period of thirty days next preceding the opening of said schools, a list of books to be used by each grade of their respective schools, giving the name of the book, the name of the publisher, the list price and the place where said book may be obtained.

SEC. 4. That the books adopted shall not be changed except in conformity with the State law.

Change of books.

SEC. 5. That any one charged with the duty of carrying out the provisions of this act, failing and refusing to do so shall be guilty of a misdemeanor and subject to a fine of ten dollars (\$10). Each day's failure to perform said duty shall be a separate offense.

Failure misdemeanor; penalty.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far as they apply to Rockingham County.

Conflicting laws repealed in re Rockingham County.

SEC. 7. That this act shall be in full force and effect from and after the first day of July, nineteen hundred and twenty-five.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 65

AN ACT TO AMEND CHAPTER 159 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1924; TO PROVIDE FOR ELECTION OF MEMBERS OF ROAD COMMISSION OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one of chapter one hundred and fifty-nine (159) of the Public-Local Laws of the one thousand nine hundred and twenty-four session by striking out after the words Caswell County, in line seventeen, the following: "The term of office of the commissioners herein appointed shall expire on the first Monday in April, one thousand nine hundred and twenty-seven, and their successors shall be appointed by the General Assembly of North Carolina, and said commissioners shall hold their office for a term of two years from and after the first Monday in April, one thousand nine hundred and twenty-seven, and until their successors are appointed and qualified," and insert in lieu thereof, "The term of office of the commissioners herein appointed shall expire on the first Monday in December, one thousand nine hundred and twenty-six, and there shall be elected three road commissioners for Caswell County, who shall be nominated and elected as is provided by law for the nomination and election of the members of the General Assembly, and who shall hold their office for a term of two years from and after the first Monday in December, one thousand nine hundred and twenty-six, and at the general election every two years thereafter, there shall be elected three road commissioners, under the same

Amendment, providing for election of road commissioners, at time other county officers are elected, and under same rules and regulations.

rules and regulations as are provided by law for the election of the members of the General Assembly.”

Conflicting
laws repealed.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 66

AN ACT TO EXEMPT PERSONS IN SWAIN ROAD DISTRICT OF SWAIN COUNTY FROM LIABILITY FOR ROAD WORK, AND TO EMPOWER THE COMMISSIONERS TO SUBSTITUTE THEREFOR A SPECIAL PROPERTY TAX FOR ROAD MAINTENANCE.

The General Assembly of North Carolina do enact:

Repeal.

SECTION 1. That sections ten to seventeen, inclusive, of chapter three hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and twenty-one, and chapter ninety-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same are hereby repealed.

Exempt from
road duty.

SEC. 2. That all persons liable for road duty as provided for under the general road law or under special laws are hereby exempted from such liability for road duty in Swain road district of Swain County.

Tax for
maintenance
of roads.

SEC. 3. That for the purpose of keeping up and maintaining the roads in said Swain road district, the commissioners of Swain County are hereby authorized, empowered and directed to levy and collect, as other taxes are levied and collected, in the year one thousand nine hundred and twenty-five and annually thereafter, a special tax of not more than ten cents on the one hundred dollars of property, the moneys derived therefrom to be used for maintaining the roads in Swain road district in lieu of the road duty heretofore performed by persons residing in said district: *Provided*, that this special tax shall not be levied by the commissioners of Swain County in cities and towns in Swain road district which have governing bodies of their own.

Maintenance.
streets and
alleys.

SEC. 4. That for the purpose of keeping up and maintaining streets and alleys in cities and towns in Swain road district, the governing bodies in said cities and towns shall have the same right to levy and collect a special tax as is given the commissioners of Swain County in section three of this act.

SEC. 5. That the provisions of this act shall apply only to Swain road district of Swain County, comprising the townships of Ocona Luffy, Charleston and Nantahala. Application of act.

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

SEC. 7. That this act shall be in force and effect from and after the first day of May, one thousand nine hundred and twenty-five.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 67

AN ACT TO PROVIDE SCHEDULE OF FEES TO BE CHARGED AND COLLECTED BY THE SHERIFF OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be charged and collected in Person County the following fees: That the fees of the sheriff of the Superior Court, Person County, whether he is paid for his services on a salary basis or in lieu of salary receives the fees, shall be the following, and no other, for the services designated herein, namely: Fees of sheriff, Person County.

Executing summons or any other writ or notice, one dollar; but the board of county commissioners may fix a less price than one dollar, but not less than fifty cents for the service of one road order. Executing summons.

Arrest of a defendant in a civil action and taking bail including attendance to justify, and all services connected therewith, one dollar and fifty cents. Arrest of defendant.

Arrest of a person indicted, including all services connected with the taking and justification of bail, one dollar and fifty cents. Arrest of person indicted.

Imprisonment of any person in a civil or criminal action, fifty cents, and release from prison, fifty cents. Imprisonment.

Executing subpoena on a witness, fifty cents. Subpœnas.

Conveying a prisoner to jail in another county, ten cents per mile. For prisoner's guard, if necessary and proved by the county commissioners, going and returning per mile for each, five cents. Expense of guard and all other expenses of conveying prisoners to jail, or from jail to another for any purpose or to any place of punishment, or to appear before a court of justice of the peace in another county, or in going to another county for a prisoner to be taxed in the bill of costs and allowed Conveying prisoner to jail.

by the board of commissioners of the county in which the criminal proceedings were instituted.

Allotment of widow's allowance.

For allotment of a widow's year's allowance, one dollar and fifty cents. In claim and delivery for serving the original papers in each case, one dollar, and for taking the property claimed, one dollar and fifty cents with actual cost of keeping the same until discharged by law, to be paid on affidavit of the returning officer.

Conveying prisoners to penitentiary.

For conveying prisoners to the penitentiary, two dollars per day and actual necessary expenses; also one dollar a day and actual necessary expenses for each guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the clerk of the Superior Court of his county shall swear to be necessary to the safe conveyance of the convicts, to be paid by the State Treasurer, upon the warrant of the Auditor, out of any money in the treasury not otherwise appropriated. The sheriff shall file with the Auditor the affidavit above mentioned, together with a fully itemized account to be sworn to before the Auditor, showing the number of days requisite for the coming and returning and the actual expense for conveying said convict and the guard necessary for their safekeeping and if the Auditor approves said account, he shall issue his warrant on the Treasurer for the amount thereof.

Provisions for county jails.

Providing prisoners in county jails with suitable beds, bed clothing and other clothing and fuel, and keeping the prison grounds clean, whatever sum shall be allowed by the commissioners of the county.

Collecting fine from convict.

Collecting fine and cost from convict, five per cent on the amount collected.

Executions for money in civil action.

Collecting executions for money in civil actions, five per cent on the amount collected, to the amount of two hundred dollars, and two and one-half per cent on balance; and the like commissions for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff.

Advertising sale of property.

Advertising a sale of property under execution at each public place required, twenty-five cents.

Seizing property.

Seizing specific property under an order of court, or executing any other order of a court or judge, not specially provided for, to be allowed by the court or judge.

Taking bond.

Taking any bond or undertaking, including furnishing blanks, one dollar.

Expenses.

The actual expenses of keeping all property seized under process or order of court to be allowed by the court, on affidavit of the officer in charge.

Summoning a grand or petit jury for each man summoned, fifty cents, and twenty-five cents for each man summoned on the special venire. Summoning jury.

For serving any writ or process with the aid of the county, the usual fee of one dollar and fifty cents, and the expense necessarily incurred thereby, to the [be] adjudged by the county commissioners, and taxed as other costs. Serving writ.

All just fees paid to any printer for any advertisement required by law to be printed. Printing.

Bringing up any prisoner upon any habeas corpus to testify or answer to any court or before any judge, two dollars and actual expenses for such service, and ten cents a mile by the route most usually traveled, and all expenses for any guard actually employed and necessary. Habeas corpus.

The said sheriff shall be entitled to and receive a fee of ten dollars for each and every distillery captured by him and destroyed under the provisions of section three thousand and three hundred and ninety-eight of the Consolidated Statutes, and twenty-five dollars additional for each person who is convicted of operating such distillery, to be included in the bill of costs. But if there is no conviction the ten dollars shall be paid by county commissioners. Distilleries.

For summoning and qualifying appraisers, and for performing all duties in laying off homesteads and personal property exemptions, or either, three dollars, to be included in the bill of costs. Summoning appraisers.

For levying an attachment, one dollar and fifty cents.

Levying attachment.
Qualification of jurors, etc.

For attendance to qualify jurors to lay off dower or for commissioners to lay off year's allowance, one dollar and fifty cents; and for attendance to qualify commissioners for any other purpose, one dollar.

Executing a deed for land or any interest in land sold under execution, one dollar and fifty cents, to be paid by the purchaser. Executing deed for land.

Service of a writ of ejectment, one dollar and fifty cents.

Service of writ.
Execution.

For every execution either in civil or criminal cases, one dollar.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 68

AN ACT TO PROVIDE SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Fees of clerk
of court,
Person County.

SECTION 1. That the fees of the clerk of the Superior Court, Person County, whether he is paid for his services on a salary basis or in lieu of salary receives the fees, shall be the following, and no other, for the services designated herein, namely:

Selling under
mortgage.

Advertising and selling under mortgage in lieu of bond, two dollars for sales of real estate and one dollar for sales of personal property.

Affidavits.

Affidavits, including jurat and certificate, fifty cents.

Appeals from
justice of the
peace.

Appeal from justices of the peace, or from any court inferior to the Superior Court, one dollar.

Appeal from
clerk to judge.
Appeal to
Supreme Court.

Appeal from the clerk to the judge, one dollar.

Appeal to the Supreme Court, including certificate and seal, one dollar.

Appointing
justices of the
peace.

Appointing and qualifying justices of the peace, to be paid by the justice, twenty-five cents.

Apprenticing
infant.

Apprenticing infant, including indenture, one dollar.

Attachment.

Attachment, order in, fifty cents.

Auditing
account.

Auditing account of receiver, executor, administrator, guardian or other trustee, required to render accounts, if not over three hundred dollars, fifty cents; if over three hundred dollars and not exceeding one thousand dollars, eighty cents; if over one thousand dollars, one dollar.

Auditing
settlement
receiver.

Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustees, for all sums not exceeding one thousand dollars; and for all sums over one thousand dollars, one-tenth of one per cent on such excess; but such fees shall not exceed twenty dollars, unless there be a contest, when the clerk shall have one per cent on the said excess over one thousand dollars; but in no instance shall his fee exceed thirty dollars.

Auditing
account
commissioners.

Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final accounts of executors.

Bill of costs.

Bill of costs, preparing same, fifty cents.

Bond on
undertaking.
Canceling
notice.
Capias.

Bond on undertaking, including justification, seventy-five cents.

Canceling notice of lis pendens, twenty-five cents.

Capias, each defendant, one dollar.

Capias, when the defendant is not arrested thereunder, shall be one-half fees.	Capias.
Caveat to a will, entering and docketing same for trial, one dollar and fifty cents.	Caveat.
Certificate (including certificate on indictment), except where it is a charge against the county, fifty cents; and where it is a charge against the county, the fee shall be one-half.	Certificate.
Commission, issuing, seventy-five cents.	Issuing commission.
Continuance, thirty cents; in criminal cases, thirty cents for each defendant and fifty cents in civil cases.	Continuance.
Docketing ex parte proceedings, one dollar.	Docketing.
Docketing indictments, twenty-five cents.	
Docketing liens, twenty-five cents.	
Docketing judgment, in criminal cases, fifty cents; in civil actions, fifty cents.	
Docketing summons, fifty cents.	
Execution and return thereon, including docketing, one dollar; and certifying return to clerk of any county where judgment is docketed, twenty-five cents.	Execution.
Filing all papers, twenty-five cents for each case.	Filing papers.
Filing and recording report of sales by commissions and trustees, two dollars.	Recording report.
Guardian, appointment of, including taking bond and justification, one dollar.	Appointment of guardian.
Impaneling jury, twenty-five cents.	Impaneling jury.
Indexing judgment on cross-index book, twenty-five cents for the judgment regardless of number of parties.	Indexing judgment.
Indexing liens on lien book, ten cents.	Indexing liens.
Indexing lis pendens, ten cents, if required to be indexed.	Indexing lis pendens.
Indictment, each defendant in the bill, one dollar.	Indictment.
Injunction, order for, including taking bond or undertaking and justification, one dollar.	Injunction.
Judgment, final, in term time, civil action, each defendant, one dollar.	Judgments.
Judgment, final, against each defendant, in a criminal action, one dollar.	
Judgment, final, before the clerk, one dollar.	
Judgment by confession, without notice, all services, three dollars.	
Judgment in favor of widow for year's support, fifty cents; and docketing same, twenty-five cents.	
Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents.	
Juror ticket, including jurat, ten cents.	Juror ticket.
Justification of securities on any bond or undertaking, except as otherwise provided (each), fifty cents.	Justification of securities.

Letters of administration.	Letters of administration, including bond and justification of sureties, one dollar.
Motions.	Motions, entry and record of, in civil action, fifty cents; in criminal action, each twenty-five cents.
Notices.	Notices, twenty-five cents, and for each name over one in same paper, ten cents additional.
Enlarging time.	Notifying solicitors of removal of guardian, one dollar. Order enlarging time for pleading in special proceedings, and civil actions, twenty-five cents; and for all other interlocutory orders therein, fifty cents.
Order of arrest.	Order of arrest, each defendant, one dollar.
Appearing of apprentice.	Order for appearing of apprentice, on complaint of master, one dollar; for appearing of master, one dollar; for appearing of master, on complaint of apprentice, one dollar.
Registration of deed.	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, except a chattel mortgage, twenty-five cents.
Postage.	Postage, actual amount necessarily expended.
Presentment.	Presentment, each person presented, ten cents.
Probates.	Probate of a short form of lien bond, or lien bond and chattel mortgage combined, fifteen cents. Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate, twenty-five cents. 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. 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. Probate of limited partnership, fifty cents. Probate of will in common form, and letters testamentary, one dollar.
Qualifying.	Qualifying justice of the peace, to be paid by the justice, twenty-five cents. Qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents.
Recognizance.	Recognizance, each party where no bond is taken, twenty-five cents.
Recording papers.	Recording and copying papers, per copy sheet, fifteen cents.
Recording names.	Recording names, qualification and expiration of term of office of justice of peace, twenty-five cents for each name.
Registering trained nurses.	Registering trained nurses, including certificate of registration, fifty cents.

Recording certificate of incorporation of corporations, three dollars.	Recording.
Recording names of jurors as required by law, five cents for each name.	
Registering doctors, including certificate of registration, one dollar.	Registering.
Resignation of guardian, relinquishment of right to administer, or to qualify as executor, receiving, filing, and noting same, twenty-five cents.	Resignation.
Seal of office, when necessary, fifty cents.	Seal of office.
Subpœna, each name, fifteen cents.	Subpœnas.
Summons, in civil actions, or special proceedings, including all the names therein, one dollar, and for every copy thereof, twenty-five cents.	Summons.
Transcript of judgment, seventy-five cents; with seal, one dollar.	Transcript of judgment.
Transcript of any matter of record or paper on file, per copy sheet, twenty cents.	Transcript.
Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.	Trial.
Warrant, one dollar.	Warrant.
Witness ticket, including jurat, ten cents.	Witness ticket.
Five per cent commission shall be allowed the clerk on all fines, penalties, emercements, 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 executions, and deposits under article three of chapter fifty-four of Consolidated Statutes, and upon the excess over five hundred dollars of such sums, one per cent.	Fines, etc.
SEC. 2. 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.	Conflicting laws repealed.
SEC. 3. That this act shall be in force and effect from and after its ratification.	
Ratified this the 10th day of February, A.D. 1925.	

CHAPTER 69

AN ACT AUTHORIZING THE COUNTY OF PERQUIMANS TO
ISSUE BONDS AND LEVY A TAX TO LIQUIDATE CERTAIN
FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Commissioners
authorized
issue bonds.

SECTION 1. That the commissioners of the county of Perquimans be and they are hereby authorized and empowered to issue bonds not to exceed fifteen thousand dollars (\$15,000) for the purpose of paying off the present floating indebtedness of the said county. That said bonds shall be issued in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and bear interest at not exceeding six per cent per annum to be evidenced by coupons attached to said bonds. Said commissioners of Perquimans County are authorized to prescribe a form of said bonds and denominations in which they shall be issued. Said bonds shall be serial bonds and shall run for from one to fifteen years from date of issue, payable one thousand dollars (\$1,000) each year. They shall be signed by the chairman and secretary of the said board of commissioners and bear the seal of the county.

Serial bonds.

Form of bonds.

SEC. 2. That no bonds issued under the provisions of this act shall be sold or otherwise disposed of for less than par and accrued interest. That said commissioners of Perquimans County are empowered to sell or dispose of said bonds either by public or private sale or by sealed bids as to them may seem best. In case they shall sell at public sale, they shall cause notice thereof in one or more newspapers published in the State of North Carolina for at least thirty days and they may also advertise the sale of said bonds in one or more newspapers published within or without the State which make a business of advertising such sales.

Public or
private sale.

In case
public sale.

Application of
proceeds of
sale.

SEC. 3. That the purchase money arising from the sale of the said bonds shall be applied to the payment of the present floating indebtedness of the county of Perquimans.

Special tax.

SEC. 4. That for the purpose of the payment of the said bonds as they mature and to pay the interest on the same as it may accrue, the board of commissioners of Perquimans County are authorized and empowered to levy annually a special tax in such amount, as in their discretion may be deemed necessary. The said tax shall be levied and collected in the same manner as other taxes and shall be imposed upon such property and other subjects of taxation as are now or may be hereafter subject to taxation under the laws of the State. Said tax shall be collected by the officer or officers charged with the collection of other

Collection
of tax.

county taxes and he shall, in respect thereto, be liable officially as well as personally to all the requirements of law now prescribed or which may hereafter be prescribed for the faithful collection and payment of other taxes.

SEC. 5. That the purchaser or purchasers of any part of said bonds shall not be required to see to the application of the proceeds of said bonds by the commissioners of Perquimans County.

Purchasers
of bonds.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 70

AN ACT RELATIVE TO ROAD SUPERVISORS FOR SHOCCO TOWNSHIP, WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the number of road supervisors for Shocco Township, Warren County, North Carolina, created under chapter six hundred and nine, Public-Local Laws, session, one thousand nine hundred and nineteen, shall be increased from three to five.

Road
supervisors
increased.

SEC. 2. That R. L. Pinnel, Sr., and W. E. Twitty are hereby named and appointed road supervisors for Shocco Township, Warren County, North Carolina, with all the powers and duties devolving upon other members of said board created under said chapter six hundred and nine, Public-Local Laws, one thousand nine hundred and nineteen.

Men appointed.

SEC. 3. That their term of office shall begin upon the ratification of this act, and they shall serve until the next general election when their successors are elected and qualified.

Term of office.

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

Conflicting
laws repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 71

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN OF THE COUNTY BOARD OF COMMISSIONERS OF SAMPSON COUNTY AND THE CHAIRMAN OF THE ROAD COMMISSION OF SAMPSON COUNTY.

Preamble.

That whereas, the chairman of the county board of commissioners of Sampson County is also ex officio chairman of the road commission of Sampson County and as chairman of both of these boards has supervision over the taxes and finances of said county and also over the construction and the maintenance of the public highways of said county, and these duties require a considerable amount of time and some expenses; and

Preamble.

Whereas, there is now no provision in the law for compensation for these services except his mileage and per diem as a member of these boards; and

Preamble.

Whereas, the duties devolving upon the chairman of these boards require the chairman to be a man of more than ordinary business and executive ability, and to own and use an automobile and other necessary expenses connected with his official duties, making it necessary that this office should be put upon a salary basis: Therefore,

The General Assembly of North Carolina do enact:

Compensation
chairman board
of county
commissioners
Sampson
County.

SECTION 1. That the chairman of the board of county commissioners of Sampson County and ex officio chairman of the road commission of Sampson County, in lieu of mileage and per diem as now provided by law as a member of said commission, shall be paid an annual salary for his services, as a member of and chairman of both of said boards, the sum of fifteen hundred dollars (\$1,500) with an extra allowance of one hundred dollars (\$100) per annum for the use of his automobile and other necessary expenses connected with his office and covering his official duties and engagements inside and outside of the county, which salary and expenses shall be paid quarterly, one-half out of the general county fund of said county, and the other half out of the road funds of said county, and this compensation shall be in full payment for his services as a member of and as chairman of both the road commission and the county board of commissioners of Sampson County.

Full payment.

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.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 72

AN ACT TO MAKE CERTAIN AND DEFINE THE BOUNDARY LINE BETWEEN THE COUNTIES OF DAVIE AND FORSYTH.

The General Assembly of North Carolina do enact:

SECTION 1. That the Yadkin River be and the same is hereby made, fixed and designated as the true and correct boundary line between the counties of Davie and Forsyth.

Boundary between Davie and Forsyth.

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

Conflicting laws repealed.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 73

AN ACT TO INVALIDATE CERTAIN PROCEEDINGS FOR THE SALE OF BONDS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of commissioners of Burke County for the execution, issuance and sale of one hundred thousand, face value, coupon bonds of said county to bear date as of February first, one thousand nine hundred and twenty-five, and purporting to have been sold without advertising, are hereby declared utterly void, and said bonds purporting to have been issued under said authority shall constitute no obligation of Burke County.

Issuance of bonds declared void.

SEC. 2. That it shall be unlawful for said board of commissioners of Burke County to deliver bonds, issued, or purporting to be issued, under the authority of said proceedings.

Unlawful.

SEC. 3. All conflicting laws are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 74

AN ACT TO ESTABLISH A BUDGET SYSTEM FOR THE COUNTY OF ROCKINGHAM AND THE PREPARATION AND REVIEW OF ESTIMATES FOR EXPENDITURES OF ALL DEPARTMENTS OF GOVERNMENT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Appropriations limited.

SECTION 1. That from and after the first day of August, one thousand nine hundred and twenty-five, the board of commissioners of Rockingham County shall appropriate no money except as hereinafter set out.

Appropriations to be approved by board of commissioners.

SEC. 2. That the board of commissioners shall make appropriations and expenditures only upon estimates of various departments of said county as approved and adopted by said board of commissioners at their first meeting in August of each and every year, and shall make no further expenditures for said year.

Estimate of expenses.

SEC. 3. That it shall be the duty of the board to call upon the heads of the various departments to furnish an anticipated estimate of the necessary expenses of their various departments during the ensuing year, and said heads of said departments shall furnish said estimates to said board at their first regular meeting in July of each year, which departments shall include roads, county home and outside poor, public health, county welfare, county farm demonstration agent, auditor's department, clerk's office, register of deeds, budget of the county school board, sheriff and treasurer, expenses of board of commissioners and every other subdivision of government of Rockingham County now created or which may be hereafter created, and each report from said departments shall show, in addition to their anticipated needs for the year beginning August first and ending July thirty-first, a full and complete report of all expenditures in their respective departments and for what expended during the past year: *Provided, however,* only estimated expenditures may be required for the year ending July thirty-first, one thousand nine hundred and twenty-five.

Report of expenditures for past year.

Budget of expenses.

SEC. 4. That from the estimates so furnished by the department heads, the board of county commissioners of Rockingham County shall make up a full and complete budget of expenditures for the ensuing year: *Provided, however,* said board of commission may cut down or increase the anticipated expenditures of said departments as they may deem necessary, but shall not alter said budget when adopted.

Proviso: authority to alter expenditures.

Contents of budget.

SEC. 5. That when said budget is adopted, it shall show the amount set aside for use and operation of each department during said year, and the same shall be charged to said department.

and shall be for the use of said department and shall not be transferred to, or used by, any other department. That at the end of the year if a surplus remains in any department, said surplus so remaining shall be shown in the next report of said department, and shall be used as a part of the appropriation of said department for the ensuing year, provided said department is maintained, and if not, transferred to the general fund for reapportionment among the other departments.

Not transferable.

In case of surplus.

SEC. 6. That the board of commissioners shall, upon the adoption of said budget, levy a sufficient ad valorem tax upon all taxable property of said county to raise sufficient revenue to cover said appropriations shown in said budget, and in addition shall levy sufficient tax to pay the interest on all bonded indebtedness and a sufficient amount in addition to retire all bonds maturing during said year.

Ad valorem tax.

Additional tax.

SEC. 7. That all issues of bonds outstanding against said county shall be kept by the auditor of said county in a book prepared for said purpose, showing the nature and amount of said bonds, and for what issued, and the interest account on said bonds, and all amounts collected to retire maturing bonds, so that said account will show a true statement of all bonds at all times.

Book to be kept by auditor.

Contents.

SEC. 8. That the funds created for any purpose under this act shall not be diverted to any other purpose, but shall remain to the credit of the department for which it is appropriated, except as herein provided.

Funds not to be diverted.

SEC. 9. That the superintendent of schools shall be designated as purchasing agent of supplies for all schools of Rockingham County under his supervision, and the auditor of Rockingham County is hereby designated the purchasing agent for all other departments of Rockingham County, said purchases to be made upon requisition from the heads of the various departments: *Provided, however*, ordinary repairs to machinery may be purchased by heads of departments operating said machinery: *Provided, however*, same must be promptly reported to the auditor. That it shall be the duty of the auditor to purchase all supplies for said county except school supplies, upon requisition made by the heads of said departments, same to be approved by the board of commissioners, and to be charged against the appropriation as shown in the budget for said department; that the superintendent of schools shall make a monthly report to the auditor of all expenditures, and for what purpose, including salaries and fees, and the same shall be charged against the school budget.

Purchasing agents.

Proviso: repairs to machinery.

Proviso: prompt report.

Duty of auditor.

Report to auditor.

Amendment.

SEC. 10. That for the purpose of carrying out the terms of this act, section one, chapter four hundred and ninety, Public-Local Laws of one thousand nine hundred and nineteen, is hereby amended by striking out the words and figures "twenty-five hundred dollars (\$2,500)," in line eight thereof, and inserting in lieu thereof, the words and figures, "three thousand dollars (\$3,000)."

Amendment.

SEC. 11. That section four, chapter four hundred and ninety, Public-Local Laws of one thousand nine hundred and nineteen, is hereby amended by inserting, in line fifteen between the words "empowered" and "to," the words "and directed," and by inserting a period after the word "event," in line sixteen, and by striking out the remainder of said article following the period inserted.

Accounts of departments.

SEC. 12. That the auditor of said county of Rockingham shall secure proper books, to keep the accounts of the various departments, and shall keep the accounts of said county, showing the allowances made to the various departments, and shall issue all vouchers in payment of bills of each department when approved by the board of commission, and shall charge each voucher to the department for whose benefit the same is issued, and shall render a monthly statement on the first Monday of each month, showing the condition of said account of each department, laying a copy before the board of commission and delivering a copy to the head of each department, and shall so keep the accounts that at the end of each month, said accounts will show the funds to the credit of each department, that no department shall exceed the amount appropriated for its use as shown by said budget.

Vouchers.

Monthly statement.

Cost of instituting budget system.

SEC. 13. That the cost of instituting said budget system, including books and clerical assistance, shall be included in the budget for the auditor's department, and said board shall add to the general levy of taxes a sufficient amount to institute said system, and shall provide annually necessary clerical assistance to the auditor to carry out the intent of this act.

Conflicting laws repealed.

Proviso: prior bonds.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided, however*, this act shall not affect any act relating to bonds of Rockingham County heretofore enacted.

SEC. 15. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and twenty-five.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 75

AN ACT TO FIX AND REGULATE THE FEES OF JUSTICES OF THE PEACE OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The justices of the peace of Beaufort County shall be entitled to and receive the following fees for their services: Civil summons, thirty cents; each copy or additional defendant, ten cents; any jurat or affidavit, twenty-five cents; any undertaking or bond, twenty-five cents; order to seize property, forty cents; order of removal, forty cents; subpoena, fifteen cents; any continuance, ten cents; trial and judgment, seventy cents; transcript of judgment, twenty cents; execution, thirty cents; return on appeal, fifty cents; signing any notice, ten cents; order of attachment, fifty cents; filing any lien, sixty cents; issuing criminal warrant, fifty cents.

Fees of justices of the peace.

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

Conflicting laws repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 76

AN ACT TO AMEND CHAPTER 692 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATIVE TO THE RECORDER'S COURT OF MOUNT AIRY TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter six hundred and ninety-two of the Public-Local Laws of nineteen hundred and thirteen be stricken out and in lieu thereof the following provision be substituted: "That the present recorder shall hold his term of office until the first Monday of December, nineteen twenty-six, at which time the Governor of North Carolina shall appoint his successor, who shall hold office for a term of four years, and that said recorder be appointed by the Governor every four years thereafter: *Provided*, if such recorder shall die, resign or be removed from office, his successor shall be appointed by the Governor for the unexpired term."

Amendment.

Proviso: In case of death.

SEC. 2. That section three of chapter five hundred and fifty of the Public-Local Laws of nineteen twenty-three be amended by striking out all of said section after the word "follows," in

Further amendment.

line five thereof, and inserting in lieu thereof the following: "The said court shall have concurrent jurisdiction of all criminal offenses committed within Mount Airy Township which are now in the jurisdiction of justices of the peace and shall have original exclusive jurisdiction of all offenses committed within Mount Airy Township which are below the grade of a felony and above the jurisdiction of a justice of the peace as is now or may hereafter be defined by law, and the same are hereby declared to be petty misdemeanors and that the jurisdiction here conferred shall be, in addition to the jurisdiction conferred by chapter six hundred and ninety-two of the Public-Local Laws of nineteen hundred and thirteen and all amendments thereto."

Misdemeanors.

Conflicting laws repealed.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 77

AN ACT TO REGULATE THE SITTINGS OF THE COUNTY COURT OF STANLY COUNTY FOR THE TRIAL OF CRIMINAL ACTIONS, AND TO PROVIDE A CLERK FOR SAID COURT.

The General Assembly of North Carolina do enact:

County court Stanly County.

SECTION 1. That the county court for Stanly County shall be open for the trial of all criminal cases over which it now has, or may hereafter have, final concurrent, exclusive, or binding jurisdiction, on each and every Monday morning at ten o'clock a.m. at the courthouse in Albemarle, or at such other place in Albemarle as may be designated by the county commissioners of Stanly County, and shall continue in session from day to day until the business before it shall be disposed of. Except at the time provided for in this act, the judge of the county court for Stanly County shall have no authority to hear or dispose of any criminal action pending in said court.

Exception.

Arrests after adjournment.

SEC. 2. All persons arrested on any day after Monday, or after the adjournment of said court, shall give bond or be committed to the city lockup or county jail for his appearance at the next succeeding term of said court, which shall convene on the following Monday.

Clerk of court given authority.

SEC. 3. The clerk of the Superior Court of Stanly County shall be ex officio clerk of the county court for Stanly County, and shall have full power, and is hereby authorized and directed

to appoint a deputy clerk to perform or assist in the performance of the duties required of said clerk, and said deputy shall be qualified to perform any stenographic duties arising in the office of the clerk of this court, or the clerk of the Superior Court of Stanly County.

SEC. 4. That the clerk of said court and his deputy are each hereby empowered and given the same authority to issue warrants and other processes returnable to said court as is now possessed by the judge of said county court for Stanly County. Authorized
issue warrants.

SEC. 5. That the clerk shall receive the same fees in criminal matters as are now received by him as clerk of the Superior Court for similar services, to be collected and paid in the same manner that his fees as clerk of the Superior Court are: *Provided, however*, that the fees for issuing a warrant, including the affidavit, shall be fifty cents (50c), and the fee for issuing a subpoena for each witness shall be fifteen cents (15c), the fee for recording the judgment, filing the papers, taxing the bill of cost, which he is hereby given authority to do, shall be one dollar (\$1) in each criminal case, and nothing shall be taxed for witness tickets issued by said clerk. Fees.

Proviso:
Issuance of
warrant, etc.

SEC. 6. That the amount now taxed by law as trial and judgment cost in said court shall be reduced one dollar (\$1). Reduction
of tax.

SEC. 7. That all papers and records of the said court shall be kept by the clerk herein provided for, and there shall be provided, at the expense of the county, suitable dockets for such. That all cost, fines or forfeitures shall be paid to the said clerk under the same rules and regulations as such are now paid to him as clerk of the Superior Court, and that the judge of said court shall not be required to keep the records and papers of said court. Dockets.

Costs,
fines, etc.

SEC. 8. That in addition to the salary now paid the judge of the county court for Stanly County, he shall receive the sum of one hundred and eighty dollars (\$180) per year, to be paid monthly by Stanly County, as his present salary is now paid, and said amount shall be in lieu of all costs now received by the judge of the county court in civil matters coming before said court, and all such costs shall be collected by the clerk herein provided for, and paid to the treasurer of Stanly County. Additional
compensation.

SEC. 9. That all laws and clauses of laws in conflict with this act be and they are hereby repealed. Conflicting
laws repealed.

SEC. 10. This act shall be in force and effect from and after its ratification.

Ratified this the 11th day of February, A.D. 1925.

CHAPTER 78

AN ACT TO AID THE LIVESTOCK AND AGRICULTURAL INTEREST OF THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Funds for
livestock fairs,
etc.

SECTION 1. That the board of commissioners of the county of Buncombe are hereby authorized and empowered, in their discretion, to appropriate from the general funds of the county such sum or sums, not in excess of one thousand five hundred dollars (\$1,500) during any one year, for the purpose of aiding and assisting any agricultural or livestock fairs or exhibitions in Buncombe County.

Conflicting
laws repealed.

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

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

Ratified this the 11th day of February, A.D. 1925.

CHAPTER 79

AN ACT ALLOWING THE COUNTY COMMISSIONERS OF TRANSYLVANIA COUNTY TO ABOLISH THE CHAIN GANG AND DISPOSE OF PRISONERS SERVING TIME THEREON AND PROPERTY BELONGING THERETO.

The General Assembly of North Carolina do enact:

Authorized to
abolish
chain gang.

SECTION 1. That the county commissioners of Transylvania County be and they are hereby authorized and empowered to abolish the chain gang at any time, when, in their judgment, the best interest of the county would be served by so doing.

Return of
prisoners.

SEC. 2. That all prisoners who may be serving sentences on said chain gang at the time when the same shall be abolished shall be returned to the proper authorities of the several counties from which they have been sentenced: *Provided*, that the county of Transylvania shall, at its own expense, return said prisoners to the proper officials of such county; and *provided further*, that before so doing the chairman of the board of commissioners of Transylvania County shall give to the chairman of the board of commissioners of the county to which said prisoner is to be returned thirty days notice of such intention to return.

Proviso.

Further proviso:
Notice.

Sale of
equipment.

SEC. 3. That the county commissioners of the county and the board of road commissioners shall have power to sell and dispose of all such chain gang equipment as may be on hand

at the time when said chain gang is abolished either publicly or privately as they may deem best for the county.

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

Conflicting
laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 80

AN ACT TO AMEND CHAPTER 413, SECTION 2, PUBLIC-LOCAL LAWS OF 1923, RELATIVE TO THE SALARIES OF DEPUTY SHERIFFS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter four hundred and thirteen, Public-Local Laws of North Carolina, session of one thousand nine hundred and twenty-three, be amended by striking out line eleven and inserting in lieu thereof "shall not exceed eighty-four hundred dollars (\$8,400) per annum."

Amendment.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 81

AN ACT TO AMEND CHAPTER 407 OF THE PUBLIC-LOCAL LAWS, 1923, RELATIVE TO COMPENSATION FOR SERVICES OF THE DEPUTY CLERK OF SUPERIOR COURT OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and seven of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out, in line four of section one, the word "three" and inserting in lieu thereof the word "six," and by striking out, in line five, the words "twenty-five" and inserting in lieu thereof the word "fifty."

Amendment.

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

Conflicting
laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 82

AN ACT TO AMEND CHAPTER 294, PUBLIC-LOCAL LAWS, 1921, RELATIVE TO OFFICERS OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and ninety-four, Public-Local Laws, one thousand nine hundred and twenty-one, be amended by striking out, in line six of section two, the words "twelve" and "and fifty," and inserting between the words "exceed" and "hundred" the word "fifteen," in line six of said section.

Conflicting laws repealed.

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

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 83

AN ACT REQUIRING THE PRESENTATION OF CLAIMS TO THE BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE BEFORE SUIT CAN BE INSTITUTED THEREON.

The General Assembly of North Carolina do enact:

Presentation of claims to county commissioners before bringing suit.

SECTION 1. No action shall be instituted or maintained against the county of Buncombe upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand, in writing, to said board of commissioners, and said board of commissioners shall have declined to pay or settle the same as presented, or for thirty days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Notice of injury.

SEC. 2. No action for damages against said county of Buncombe of any character whatever to either person or property shall be instituted against said county of Buncombe unless within ninety 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 county of Buncombe 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 character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or inflictions of such injury or in any manner interfere with its running.

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

Conflicting laws repealed.

SEC. 4. This act shall be in full force and effect from and after its ratification: *Provided, however,* that the provisions of this act shall not affect in any manner litigation now pending.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 84

AN ACT TO FIX THE SALARY OF THE SHERIFF AND OTHER OFFICERS OF UNION COUNTY AND PROVIDE FOR THE APPOINTMENT OF DEPUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and forty-three of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That the sheriff of Union County shall receive in lieu of all other compensation a salary of thirty-six hundred dollars per year, payable monthly by the board of county commissioners from the general funds of the county. He shall also appoint two office deputies, who shall receive a salary of one hundred and fifty dollars per month, each, and shall also appoint two whole-time field deputies, who shall receive a salary of one hundred and thirty-seven dollars and fifty cents per month, each. These deputies shall hold office at the pleasure of the sheriff. In addition to the salary of the two field deputies they shall be provided by the board of county commissioners of Union County with means of transportation, including the expense of the upkeep and operation thereof. The salaries and expenses of the deputies herein provided for shall be paid monthly by the board of county commissioners to them from the general funds as is provided for the payment of the salary of the sheriff.

Compensation of sheriff.

Compensation of deputies.

Means of transportation.

Expenses.

SEC. 3. That in addition to the deputies authorized by section two hereof, the sheriff may appoint one deputy in each township in the county other than Monroe Township, which deputy

Additional deputies.

shall receive the fees now allowed by law for serving processes in their respective townships.

Salary clerk
of court.

SEC. 4. That the clerk of the Superior Court of Union County shall receive in lieu of all other compensations a salary of two thousand seven hundred and fifty dollars per year, payable monthly by the board of county commissioners from the general funds of the county, and may appoint a deputy clerk at a salary of one thousand three hundred and fifty dollars per year, payable monthly as above provided for the payment of the clerk of the Superior Court.

Salary
deputy clerk.

Compensation
register of
deeds.

SEC. 5. That the register of deeds of Union County shall receive in lieu of all other compensation a salary of two thousand seven hundred and fifty dollars per year, payable monthly by the board of county commissioners from the general funds of the county, and may employ a clerk at a salary of one thousand two hundred dollars per year, payable monthly as above provided for the payment of the register of deeds and in addition thereto the county commissioners may make a reasonable allowance for extra clerical assistance needed in making up tax books.

Conflicting
laws 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 force and effect from and after April first, one thousand nine hundred and twenty-five.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 85

AN ACT TO VALIDATE CERTAIN PLATS AND SUBDIVISIONS OF LAND AND DEEDS FOR SAME IN THE COUNTY OF WAYNE.

Plats,
subdivisions
and blue prints
validated.

The General Assembly of North Carolina do enact:

SECTION 1. That all plats, subdivisions and blue prints of land heretofore filed in the office of the register of deeds of Wayne County, and either transcribed or attached to the record books in said office, are hereby declared valid and effectual to the same extent as if all the provisions of section three thousand three hundred and eighteen, Consolidated Statutes, had been complied with in all respects.

Deeds
validated.

SEC. 3. That all deeds heretofore executed or hereafter executed referring to said plats, subdivisions or blue prints for description shall be as good and effectual and valid as if said plats, subdivisions and blue prints had been sworn to, probated, recorded and indexed with all the requirements and provisions

set forth in section three thousand three hundred and eighteen, Consolidated Statutes: *Provided*, this act shall not apply to suits now pending.

Proviso: does not apply to suits now pending.

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

Conflicting laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 86

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS AND THE ROAD COMMISSIONERS OF HERTFORD COUNTY TO SELL, TRANSFER OR DISPOSE OF THE COUNTY CONVICTS TO SOME OTHER COUNTY OR COUNTIES IN THE STATE.

Whereas, the road funds in Hertford County derived from a bond issue for the purpose of road construction is about exhausted and the terms for which the convicts in said county range from one to four years: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners and road commissioners of Hertford County are hereby authorized and empowered to sell, transfer or dispose of the convicts now committed to the county roads of said county, to any other county or counties within the State, in the manner and form as may seem just and proper.

Authority to dispose of convicts.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 87

AN ACT AMENDING CHAPTER 563, OF THE PUBLIC-LOCAL LAWS, SESSION 1921, RELATING TO THE OFFICE OF THE SHERIFF OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter five hundred and sixty-three of the Public-Local Laws, session one thousand nine hundred and twenty-one, be and is hereby amended by striking out the word "four," in line eight thereof between the word

Amendment.

“appoint” and the word “deputies,” and inserting in lieu thereof the word “seven.”

Amendment.

SEC. 2. That section seven of said chapter five hundred and sixty-three of the Public-Local Laws of session one thousand nine hundred and twenty-one be and is hereby amended by striking out the word or letter “a” between the word “with” and the word “Ford,” in line two thereof, and inserting in lieu thereof the word “two,” and by striking out the word “car” between the word “Ford” and the word “and,” in line two thereof, and inserting in lieu thereof the word “cars.”

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

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 88

AN ACT TO REPEAL CHAPTER 515, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO HAYWOOD COUNTY CONVICT FORCE; AND TO REGULATE SAID COUNTY CONVICT FORCE BY THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That all of chapter five hundred and fifteen, Public-Local Laws of North Carolina, session nineteen hundred and twenty-three, be and the same is hereby repealed.

Work on public roads.

SEC. 2. That all male persons in Haywood County who may be convicted of crime by any court having jurisdiction or who may be under a jail sentence for any cause or who would otherwise be sentenced to the State's prison for a term of less than ten years, shall be assigned to work on the public roads of some other county in the State of North Carolina, subject to the conditions and limitations hereinafter set forth: *Provided*, said course shall be within the discretion of the trial judges after having been so requested by the board of county commissioners: *Provided further*, that in case of physical disability or contagious disease, certified to by the county physician, persons convicted in the Superior, criminal or inferior courts in the county may be sentenced to the penitentiary, the county jail or the county home.

Proviso: in re physical disability.

Sentence to work on roads in other county.

SEC. 3. That it shall be lawful, upon application of the chairman of the board of county commissioners of Haywood County, for the judges of the Superior and criminal courts,

or for the justices of the peace, or for the officials of municipal courts or of other inferior courts, to sentence such prisoners to the roads of some other county, upon such terms and conditions as may be mutually agreed upon between the board of commissioners of Haywood County and the boards of such other counties as agree to use said prisoners: *Provided*, that nothing in this act shall be construed to be mandatory upon any county to receive such prisoners from Haywood County, and said prisoners shall be sentenced to any other county only after they have been requested by the board of county commissioners of such other counties, offering therefor a price for the services of such prisoners acceptable to the board of commissioners of Haywood County.

Price for
services.

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

Conflicting
laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 89

AN ACT TO AMEND CHAPTER 95 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATIVE TO THE PAY OF JURORS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1) of chapter ninety-five of the Public-Local Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding after the word "mileage" at the end of said section, the following: "*Provided*, that all tales jurors, who are sworn and required to return and serve more than one day, shall receive same pay and mileage as that of regular jurors."

Amendment,
pay jurors.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Conflicting
laws repealed.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 90

AN ACT PROHIBITING THE REPAIRING OF AUTOMOBILES ON ANY PUBLIC HIGHWAY WITHIN THE COUNTY OF BUNCOMBE, EXCEPT IN CASES OF EMERGENCY.

The General Assembly of North Carolina do enact:

Unlawful repair vehicles public roads except in emergency.

SECTION 1. That it shall be unlawful for any person, firm or corporation to make repairs of any kind upon any motor vehicle upon any public highway within the county of Buncombe, except in cases of emergency where it is necessary for immediate repairs to be made.

Fine for violation.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be subject to a fine of not more than fifty dollars (\$50) or imprisonment of not more than thirty (30) days.

Conflicting laws repealed.

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

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 91

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE TO LAY OFF CONGESTED DISTRICTS UPON THE PUBLIC HIGHWAYS OF SAID COUNTY AND TO PROVIDE RULES, REGULATIONS AND ORDINANCES FOR THE DIRECTION OF THE TRAFFIC THEREIN.

The General Assembly of North Carolina do enact:

Rules for relief congested districts.

SECTION 1. That the board of commissioners of the county of Buncombe be and are hereby authorized and empowered to lay off and define any part or parts of any highway in said county as congested district and to make proper and reasonable rules, regulations and ordinances providing for the direction, regulation, diversion and limitation of pedestrian and vehicular traffic within any such congested district: *Provided, however,* that such rules, regulations and ordinances shall not go into effect before twenty (20) days from the time of their final passage and publication in a daily newspaper, then published at the county seat of said county. Any person, firm or corporation violating any of the provisions of such rules, regulations or ordinances shall be punishable by a fine of not more than

Proviso: go into effect twenty days after passage.

fifty dollars (\$50) or imprisonment of not more than thirty (30) days.

SEC. 2. That it shall be the duty of the board of commissioners of the county of Buncombe to have erected at each point on any highway where a congested district begins, a sign, not less in size than three by six (3x6) feet, in as large letters as the same can be painted thereon, advising the persons using the highways within said district of the existence of such congested district and the regulations and restrictions within same, and also to have printed in pamphlet form each year, all of the rules, regulations and ordinances passed under authority of the provisions of this act and to be distributed, without cost, to any person who may desire a copy of the same, which distribution shall be made through the office of the county auditor.

Duty board of
commissioners.

Rules to be
printed.

SEC. 3. That this act shall be construed as in addition to all laws and clauses of laws or ordinances and rules and regulations made by the governing body of any municipality within said county or of the State Highway Commission.

This law
additional.

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

Conflicting
laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 92

AN ACT TO REPEAL CHAPTER 157, PUBLIC-LOCAL LAWS, 1923, RELATING TO AUDITING THE BOOKS OF THE OFFICIALS OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty-seven, Public-Local Laws, one thousand nine hundred and twenty-three, is hereby repealed.

Chapter
repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 93

AN ACT TO REPEAL CHAPTER 458 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS OF LENOIR COUNTY.

Chapter
repealed.

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 twenty-one be and the same is hereby repealed.

SEC. 2. That this act shall be in force after its ratification. Ratified this the 12th day of February, A.D. 1925.

CHAPTER 94

AN ACT TO REGULATE THE KEEPING OPEN OF CERTAIN CAFES AND RESTAURANTS ON SUNDAY IN STANLY COUNTY.

Cafes and
restaurants open
certain hours
Sunday.

The General Assembly of North Carolina do enact:

SECTION 1. That all cafes and restaurants located outside of any incorporated town in Stanly County shall not be kept open for business on Sunday between the hours of nine-thirty a.m. and twelve o'clock noon, and shall be closed not later than eight p.m.: *Provided*, this act shall not apply to regular boarding houses or hotels.

Violation
misdemeanor;
penalty.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Conflicting laws
repealed.

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.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 95

AN ACT TO PROVIDE FOR THE AUDITING OF THE BOOKS
OF THE VARIOUS COUNTY OFFICERS AND BOARDS OF
STOKES COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of the county of Stokes is hereby authorized and empowered, in their discretion, to cause to be audited, by a competent auditor, the books of the clerk of the Superior Court, sheriff, treasurer, register of deeds, county board of education and the Stokes County highway commission, as the said board of county commissioners of Stokes County shall deem advisable and necessary. The said auditor shall report the result of all audits to the said board of county commissioners for their consideration, and when such report is approved by said board of county commissioners, the same shall be recorded upon the records of the minutes of said board in the office of the register of deeds, and may be published if the said board of county commissioners shall deem it advisable.

Board county
commissioners
authorized
audit books.

SEC. 2. For making such audit the board of county commissioners shall pay said auditor a reasonable and just sum and shall pay all other necessary expenses incident to said audit out of the general county funds.

Compensation.

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

Conflicting
laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 96

AN ACT TO PROVIDE FOR REIMBURSEMENT OF STENOGRAPHER'S EXPENSE TO THE COUNTY OF HERTFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be a stenographer's fee taxed in the several bills of costs in the Superior Courts of Hertford County as follows, viz:

Stenographer's
fees.

In each criminal action and civil action, including divorce actions, where a jury is empaneled, a fee of five dollars (\$5); in each submission or noncontested criminal action, a fee of two dollars and fifty cents (\$2.50); and all other civil actions in which no jury is had, and in which a stenographer is used,

there shall be taxed a fee of five dollars (\$5) in each such action. All of which fees shall be paid into the county treasury as other county funds for the use of said county.

Conflicting laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 97

AN ACT TO ENABLE THE COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO MAKE APPROPRIATIONS TO PROMOTE THE PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

County commissioners to appropriate sums of money for advertisement of county.

SECTION 1. That the county commissioners of Pasquotank County be and they are hereby authorized and empowered to appropriate from the general funds of said county such sum or sums as in their discretion may be necessary or proper for the advertisement of said county and its advantages or for the promotion of any movement which in their discretion will redound to the welfare of said county and the general welfare of its citizens.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 98

AN ACT TO REPEAL CHAPTER 618, PUBLIC-LOCAL LAWS, SESSION 1915, RELATING TO THE SALE OF SOFT DRINKS ON SUNDAY IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed relating to sale of soft drinks on Sunday.

SECTION 1. That chapter six hundred and eighteen, Public-Local Laws, session nineteen hundred and fifteen, relating to the sale of soft drinks on Sunday in Pamlico County, be and the same is hereby repealed.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 99

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE TO PURCHASE AN
ADDITIONAL AUTOMOBILE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners for the county of Buncombe be and are hereby authorized and vested with the power to purchase, maintain and keep in good repair an automobile to be used by the chairman and commissioner of public accounts and finances of said board in the discharge of his official duties.

Automobile for
chairman and
commissioner
public accounts.

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

Conflicting
laws repealed.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 100

AN ACT TO AUTHORIZE MADISON COUNTY TO ISSUE
BONDS FOR ROAD CONSTRUCTION AND TO PROVIDE
FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Madison County shall begin, immediately upon the ratification of this act, to amend, construct and repair a road in number thirteen township as follows:

Construction of
road directed.

Beginning at the township line between number eight and number thirteen townships near the mouth of Meadow Fork Creek running a southerly direction and following as far as practicable the meanders of the present road toward the Haywood County line, as far as the appropriation herein contained will provide for said construction.

SEC. 2. That the said road shall be built on a grade not exceeding seven per centum at any point and shall have a width of not less than fourteen feet at any point.

Grade of road.

SEC. 3. That the proceeds of the bonds herein provided shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purposes herein set forth.

Bonds not
transferable.

SEC. 4. That the said board of county commissioners of Madison County are hereby authorized and directed, immediately upon ratification of this act, to issue bonds of Madison

Issuance
of bonds.

- Purpose of bonds. County in an aggregate principal amount of fifteen thousand dollars (\$15,000) the proceeds of which shall be applied and used to finance the construction of the road as provided in sections one, two and three of this act.
- Ad valorem tax. SEC. 5. That the said board of county commissioners is hereby further authorized and directed to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be an amount sufficient for said purpose and shall be in addition to all other taxes authorized to be levied in said county.
- Serial bonds. SEC. 6. The bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in twenty equal annual installments, or series, beginning not more than ten years after the date of the bonds of such issue and ending not more than thirty years after such date.
- Form of bonds. SEC. 7. Said bonds shall be issued in such denominations not exceeding one thousand dollars (\$1,000) and shall bear interest from the date thereof to the date of maturity at the rate of not exceeding six per centum per annum, with interest coupons attached payable semiannually, at such times and places as said board of county commissioners may determine. They may be either coupon bonds or registered bonds and if issued in coupon form be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Madison County and the county seal shall be affixed to or impressed on the bonds and attested by the clerk of the said board. The delivery of bonds signed by officers in office at the time of such signing shall be valid notwithstanding any change in officers occurring after signing.
- Bonds to be valid. SEC. 8. Said bonds shall be sold by the said board of county commissioners in the manner provided by the municipal finance act for the sale of bonds. They shall not be sold for less than par and accrued interest.
- Sale of bonds. SEC. 9. The proceeds of the sale of said bonds shall be placed by the county treasurer, or such person, firm or corporation as may be acting as treasurer, in a separate fund to be used for the purpose herein specified and for no other purpose. The purchaser of the bonds shall not be bound to see to the application of the proceeds of the same.
- Proceeds of sale. SEC. 10. The powers granted by this act are in addition to and not in substitution for existing powers of Madison County, are not subject to any limitation or restriction contained in any
- Additional powers.

other law. Nothing herein shall prevent Madison County from issuing bonds under any existing act as well as under this act.

SEC. 11. All acts and parts of acts in conflict with this act are hereby repealed. Conflicting
acts repealed.

SEC. 12 This act shall be in force from and after its ratification.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 101

AN ACT TO PROHIBIT CARNIVALS AND OTHER TENT SHOWS FROM EXHIBITING IN THE TOWN OF BAILEY, NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no carnival or other tent show shall be allowed to exhibit in the town of Bailey, Nash County. No carnival
in Bailey.

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 more than thirty days. Violation
misdemeanor;
penalty.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 102

AN ACT TO AUTHORIZE MADISON COUNTY TO ISSUE BONDS FOR ROAD CONSTRUCTION AND TO PROVIDE FOR THE PAYMENT THEREOF:

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Madison County shall put the road from Barnard to the Anderson Branch Schoolhouse in a first-class state of repair.

SEC. 2. That the said board of county commissioners shall begin at the Anderson Branch Schoolhouse and construct a road, not less than fourteen feet in width and on a grade not to exceed eight per cent, from the Anderson Branch Schoolhouse through the Paw Paw section to and intersecting with the Little Pine Creek Road at Kalamazoo. Construction
of road.

SEC. 3. That said board of county commissioners shall begin immediately upon the ratification of this act to construct a Construction
another road.

road, not less than fourteen feet in width and on a grade not to exceed eight per cent from the White Rock Highway across the Franklin Mountain to the mouth of the Martin Branch.

Construction
iron bridge.

SEC. 4. That during the year one thousand nine hundred and twenty-five the said board of county commissioners shall build a substantial iron bridge across Shelton Laurel Creek at Belva, and put the road from Belva to the Tennessee line above Allen Stand in a first-class condition, making changes and building new roads where necessary.

Construction
third road.

SEC. 5. That said board of county commissioners shall begin immediately upon the ratification of this act to construct, amend and repair the road from Jack Wallin's Store to Cody's Store on Big Laurel Creek, and shall continue such work until the bonds in the sum of thirty thousand dollars hereinafter authorized for that purpose shall be exhausted.

Repair
of road.

SEC. 6. That said board of county commissioners shall begin immediately upon ratification of this act, to repair, surface and sand the road from Barnard to Big Pine.

Repair of
second road.

SEC. 7. That said board of county commissioners shall begin, immediately upon ratification of this act, to repair, surface and sand the road from Petersburg across the Walnut Mountain to Cody's Store.

Issuance of
bonds
authorized.

SEC. 8. That said board of county commissioners of Madison County is hereby authorized and directed, immediately upon the ratification of this act, to issue bonds of said county in an aggregate principal amount not exceeding one hundred and twenty thousand dollars, the proceeds of which shall be applied and used for the following purposes, viz: (a) Twenty thousand dollars for the construction of roads as provided in sections one and two of this act, which funds shall be credited to an account to be known as the "Anderson Branch Project," and shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose set forth in said sections; (b) thirty thousand dollars for the construction of roads as provided in section three of this act, which funds shall be credited to an account to be known as the "Franklin Mountain Project," and shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose set forth in said section three; (c) fifteen thousand dollars for the construction of roads and a bridge as provided in section four of this act, which funds shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose set forth in said section four; (d) thirty thousand dollars for the construction of roads as provided in section five of this act, which funds shall not be used, transferred, or caused to be spent for any purpose

Application
of proceeds.

Not
transferable.

Not
transferable.

Not
transferable.

other than to accomplish the purpose set forth in said section five; (e) seven thousand five hundred dollars for the construction of roads as provided in section six of this act, which funds shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose set forth in said section six; (f) seven thousand five hundred dollars for the construction of roads as provided in section seven of this act, which funds shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose set forth in said section seven; (g) two thousand dollars for construction of roads and improvement of roads as the said board of county commissioners may deem advisable in each of the five townships in Madison County known as number three township, number four township, number six township, number eleven township and number thirteen township, which funds, aggregating ten thousand dollars, shall not be used, transferred, or caused to be spent for any purpose other than to accomplish the purpose herein set forth.

Not transferable.

Not transferable.

SEC. 9. Said board of county commissioners is hereby further authorized and directed to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest becomes due, which tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized by law to be levied in said county.

Ad valorem tax.

SEC. 10. Said bonds may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in twenty equal annual installments, or series, beginning not more than ten years after the date of the bonds of such issue and ending not more than thirty years after such date.

Issue of bonds.

SEC. 11. Said bonds shall be issued in such denominations, not exceeding one thousand dollars (\$1,000), and shall bear interest from the date thereof to the date of maturity at the rate of not exceeding six per centum per annum, payable semi-annually, at such times and places as said board of county commissioners may determine. They may be either coupon bonds or registered bonds, and if issued in coupon form be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Madison County, and the county

Denomination of bonds.

Rate of interest.

seal shall be affixed to or impressed on the bonds and attested by the clerk of said board. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any change in officers occurring after such signing.

Sale of
bonds.

SEC. 12. Said bonds shall be sold by the said board of county commissioners in the manner provided by the municipal finance act for the sale of bonds. They shall not be sold for less than par and accrued interest.

Proceeds
of sale.

SEC. 13. The proceeds of the sale of such bonds shall be placed by the county treasurer, or such person, firm or corporation as may be acting as treasurer, in a separate fund or funds as hereby specified, and used only for the purpose or purposes for which the bonds were issued. The purchaser of the bonds shall not be bound to see to the application of the proceeds.

Additional
powers.

SEC. 14. The powers granted by this act are granted in addition to and not in substitution for existing powers of Madison County, and are not subject to any limitation or restriction contained in any other law. Nothing herein shall prevent Madison County from issuing bonds under any existing act as well as under this act.

Conflicting
acts repealed.

SEC. 15. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 16. This act shall be in force from and after its ratification.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 103

AN ACT TO AMEND SECTION 1681 OF THE CONSOLIDATED STATUTES, RELATIVE TO PROCEEDS OF PRIVILEGE LICENSE ON DOGS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Amendment,
money arising
from dog tax
be used in
enforcing dog
law and rules of
board of
health.

SECTION 1. That section one thousand six hundred and eighty-one of the Consolidated Statutes be and the same is hereby amended by adding the following: "*Provided*, that the money arising under the provision of this article in Vance County shall be applied to a special fund, to be used by the county commissioners of Vance County for the purpose of enforcing the provisions of this chapter, and enforcing the rules of the county board of health in Vance County."

Conflicting
laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification, and shall apply to Vance County only.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 104

AN ACT TO AMEND CHAPTER 64 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1921, ENTITLED AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF THE PUBLIC ROADS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That line two (2) of section twelve (12) of chapter sixty-four (64) of the Public-Local Laws of the session of one thousand nine hundred and twenty-one (1921) be and the same is hereby amended by inserting the words "and culverts" after the word "bridges" and before the words "of Burke County." Amendment.

SEC. 2. That line seven (7) of said section of said chapter of said Public-Local Laws be and the same is hereby amended by striking out the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "thirty (30)." Amendment.

SEC. 3. That line eight (8) of said section of said chapter of said Public-Local Laws be and the same is hereby amended by striking out the word and figure "sixty (60)" and inserting in lieu thereof the word and figure "ninety (90)." Amendment.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 105

AN ACT TO REGULATE GAME BLINDS IN CERTAIN WATERS OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to build or construct or cause to be built or constructed anywhere within the waters of Core Sound, Carteret County, any blind or other place of concealment from which migratory game (ducks and geese and their species) are shot, or from which such migratory game are intended to be shot, within a radius of five hundred yards of any other such blind or place of concealment. Law concerning blinds.

Limit
number blinds.

SEC. 2. That no person, firm or corporation shall build, cause to be built, have, operate or maintain for his or its own use or benefit anywhere in the waters of Core Sound, Carteret County, more than four such blinds or places of concealment.

Tax on blinds.

SEC. 3. That a tax of ten dollars (\$10) each per year on such blinds or places of concealment shall be imposed upon any and all nonresidents and corporations whose members or a majority of whose members are nonresidents of the State; such tax to be payable to the clerk of the Superior Court of Carteret County for the use and benefit of the public schools of said county.

Tax payable
clerk of court.

Violation
misdemeanor;
penalty.

SEC. 4. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Conflicting
laws repealed.

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

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 106

AN ACT TO INCREASE THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Compensation
board of
commissioners.

SECTION 1. That the board of commissioners of Transylvania County be and they are hereby allowed the sum of five dollars per day for such days or fractions thereof as they are in session transacting the business of the county and in addition thereto they shall receive mileage at the rate of ten cents per mile—one way from their home to the office of said board: *Provided*, that this act shall in no way affect the fixed salary of the chairman of said board as now allowed by law.

Proviso: not to
affect salary of
chairman.

Expenses
of board.

SEC. 2. That the members of said board of commissioners who may be at any time called out of the county for the purpose of attending to any official business for the county touching their official business shall be allowed, in addition to their per diem herein mentioned, their actual expenses including transportation and hotel bills.

Conflicting laws
repealed.

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

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 107

AN ACT TO AMEND CHAPTER 258, PUBLIC-LOCAL LAWS,
1923, RELATING TO THE SALARIES OF CERTAIN OFFICERS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended as follows: Amendment, increasing salaries.

Strike out of said section the words "one thousand eight hundred dollars (\$1,800)," and insert in lieu thereof the words "two thousand two hundred and fifty dollars (\$2,250)"; also strike out of said section one of said chapter the words "one hundred and fifty dollars (\$150)" and insert in lieu thereof the words "one hundred eighty-seven dollars and fifty cents (\$187.50)."

SEC. 2. That section two of said chapter two hundred and fifty-eight, Public-Local Laws, one thousand nine hundred and twenty-three, be amended by striking out of said section the words "eighteen hundred dollars (\$1,800)" and inserting in lieu thereof the words "two thousand dollars (\$2,000)"; and that said section be further amended by striking out the words "one hundred and fifty dollars (\$150)" and inserting in lieu thereof the words "one hundred sixty-six dollars and sixty-six cents (\$166.66)." Amendment, increasing salaries.

SEC. 3. That section four of said chapter two hundred and fifty-eight, Public-Local Laws, one thousand nine hundred and twenty-three, be amended by striking out all of said section down to the word "month," in line four of said section, and inserting in lieu thereof the following: "The said board of county commissioners of Transylvania County are hereby authorized and directed to pay the clerk of the Superior Court of said county the monthly sum of one hundred eighty-seven dollars and fifty cents (\$187.50) and to pay the register of deeds of said county the monthly sum of one hundred and sixty-six dollars and sixty-six cents (\$166.66)."

SEC. 4. Strike out section five of said chapter two hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three and insert the following: "This act shall be in force and take effect on the first day of June, one thousand nine hundred and twenty-five." Amendment fixing salary clerk Superior Court and register of deeds.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Section struck out substituting when act to take effect.

Ratified this the 13th day of February, A.D. 1925. Conflicting laws repealed.

CHAPTER 108

AN ACT TO AMEND THE PUBLIC-LOCAL LAWS OF 1923,
CHAPTER 276.

The General Assembly of North Carolina do enact:

Amendment
increasing
salary sheriff
from \$1,800 to
\$3,300 per year.

SECTION 1. That section one of chapter two hundred and seventy-six of the Public-Local Laws of nineteen hundred and twenty-three be amended by striking out, in line two of said section, the words "eighteen hundred" and by inserting in lieu thereof the words "thirty-three hundred."

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 force from and after ratification.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 109

AN ACT RELATING TO THE BETTER ENFORCEMENT OF
THE LAW AGAINST THE MANUFACTURE AND SALE OF
INTOXICATING LIQUORS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Fee for officers
upon arrest
manufacturers
liquors.

SECTION 1. That any officer of Avery County who shall hereafter arrest and procure evidence sufficient to convict any person manufacturing intoxicating liquors in Avery County shall upon conviction of said person so arrested be entitled to receive a fee of twenty-five dollars, to be taxed against the defendant.

Fee upon
arrest person
selling liquors.

SEC. 2. That any officer of said county who shall hereafter arrest and procure evidence sufficient to convict any person of the offense of selling intoxicating liquors contrary to law shall upon conviction of said person of said offense be entitled to receive a fee of twenty-five dollars, to be taxed against the defendant.

Fee for arrest
for transporting
intoxicating
liquors.

SEC. 3. That when any officer of Avery County shall hereafter seize or capture any vehicle or team transporting intoxicating liquors contrary to law and said vehicle or team is forfeited and sold under the provisions of law said officer shall be entitled to receive a fee of twenty-five dollars, to be added in the costs of said seizure and sale, which shall be deducted from the money received from said sale and the remainder of the funds received from said sale shall be paid over to the proper authorities as now required by law.

SEC. 4. That in all cases where any person is convicted of the manufacture or sale of intoxicating liquors and the cost is not paid by the defendant but is taxed against the county, the officer making the arrest and securing the conviction of said defendant shall be allowed a fee of five dollars, to be taxed against the bill of cost against the county of Avery. Fee in other cases.

SEC. 5. That in all cases where a distillery or other apparatus used for the manufacture of spirituous liquor shall be seized at the place of manufacture it shall be carried to the county courthouse in Avery County and there destroyed by the sheriff, and said officer so seizing and delivering said distillery or apparatus shall be entitled, after the same has been destroyed, to a fee of ten dollars, to be paid from county funds. Seizure of distillery.

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

SEC. 7. That this act shall apply only to Avery County.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 110

AN ACT TO MAKE IT UNLAWFUL TO OPERATE A PUNCH-BOARD, SLOT MACHINE OR OTHER MACHINES OF CHANCE IN NORTHAMPTON AND GATES COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to maintain, operate, or permit to be maintained or operated in any place or places under his or their control any punch-board, slot machine, vending machine, or any other device of any kind or name whatsoever, where a person puts or pays in money with the hope or expectation or inducement of obtaining prizes or more money than the value of his money that he puts or pays in at any one time. Unlawful operate slot machines, punchboards, etc., with prizes.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Violation misdemeanor; penalty.

SEC. 3. That this act shall apply to Northampton and Gates counties only. Application of act.

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

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 111

AN ACT RELATIVE TO THE PUBLIC ROADS IN WANCHESE VOTING PRECINCT AND IN MANN'S HARBOR VOTING PRECINCT IN DARE COUNTY AND TO PROVIDE FOR THE LEVYING OF TAXES TO MAINTAIN SAID ROADS.

The General Assembly of North Carolina do enact:

Ad valorem tax to be levied by county commissioners.	SECTION 1. That the county commissioners of Dare County are hereby authorized, directed and empowered to levy a special ad valorem tax of thirty-three and one-third per cent ($33\frac{1}{3}\%$) per hundred dollars valuation of all property in
Levied annually.	said precincts, which tax shall be levied annually upon all the
Purpose of tax.	property of said precincts, and shall be used by said board of county commissioners solely for the purpose of building, constructing, repairing and maintaining roads and bridges in said precincts, and upon each male inhabitant between the ages of
Poll tax \$1.	twenty-one and fifty years a poll tax of one dollar. That said special road and bridge tax so levied and the poll tax hereunder shall be kept separate from all other taxes and shall be known and designated as the road and bridge tax for said precincts, and each precinct tax fund arising hereunder collected from each precinct shall be used and expended in the precinct from which said taxes are levied and collected.
Trustees appointed.	SEC. 2. That the county commissioners of Dare County shall on the first Tuesday of April, one thousand nine hundred and twenty-five, appoint not less than two nor more than three trustees for each precinct, said trustees shall be appointed from good and lawful men who shall be residents of each precinct.
Appointment of successors.	That said county commissioners shall, on said date and every year thereafter, appoint the successors in office of said trustees, and said county commissioners of Dare County are hereby given the right and authority to move any one or all of the trustees so appointed for cause shown at any time. That said trustees shall meet at once after their appointment and organize by electing one of their number chairman and one secretary and shall forthwith report their proceedings to the board of county commissioners of Dare County in writing, which report shall be filed by the clerk of the board in the office of the register of deeds for said county. That the trustees so appointed shall meet so often as it may be necessary for the transaction of their business. The trustees shall proceed at their first meeting after their appointment to divide the roads of their precincts into suitable and convenient districts and appoint a supervisor or overseer for each road district and shall fix his pay, same to be paid out of the moneys arising from the tax levy or
Election of chairman.	
Report of proceedings.	
Division of roads into districts.	
Appointment of overseer.	

levies and the poll, as hereinbefore set out to be levied and collected under this act. It shall be the duty of each supervisor or overseer immediately after his appointment to put his section of road in good condition and to keep the same in good condition during his term of office: *Provided*, the moneys hereby authorized to be collected under this act is sufficient. The trustees shall also be responsible for the condition of the roads in said precincts.

SEC. 3. That when said taxes are collected the county commissioners of Dare County are hereby authorized and empowered to turn same over to the road trustees of each precinct to be expended by them on the roads of said precinct. That said taxes are to be collected as other taxes are in the county of Dare.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed as to the two voting precincts above set forth.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 112

AN ACT RELATING TO THE BETTER ENFORCEMENT OF LAW AGAINST THE MANUFACTURE AND SALE OF INTOXICATING LIQUOR IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any officer of Vance County or of the city of Henderson who shall hereafter arrest and procure evidence sufficient to convict any person manufacturing or selling intoxicating liquors in Vance County shall be entitled to receive a fee of ten dollars, to be taxed against the defendant.

SEC. 2. That any officer of Vance County or of the city of Henderson who shall hereafter seize or capture any vehicle or team transporting intoxicating liquors contrary to law and said vehicle or team is forfeited and sold under the provisions of law the said officer shall be entitled to receive a fee of five per cent of the moneys obtained for said vehicle at sale as provided by law, or a minimum fee of twenty-five dollars (\$25), to be added in the cost of said seizure and sale, which shall be deducted and paid from the moneys received from said sale and the remainder of the funds received from said sale shall be paid over to the proper authorities as is now required by law: *Provided*, that all charges incident to such seizure

Compensation.

Duty of overseer.

Trustees responsible condition roads.

Collection of taxes.

Conflicting laws repealed as to the two precincts.

Fee for arrest person manufacturing or selling liquors.

Seizure team transporting liquors.

and sale of said vehicle or team shall be a prior claim upon the amount realized from said sale, and ahead of the fee above provided.

Convicted
manufacture or
sale liquors.

SEC. 3. That in all cases where any person is convicted of the manufacture or sale of intoxicating liquors and the cost is not paid by the defendant but is taxed against the county, the officer making the arrest and securing the conviction of said defendant shall be allowed a fee of ten dollars (\$10), to be taxed against the bill of cost against the county of Vance.

Seizure
distillery.

SEC. 4. That in all cases where a distillery or other apparatus used for the manufacture of spirituous liquors shall be seized at the place of manufacture in Vance County, it shall be carried to the county courthouse in Vance County and there destroyed by the sheriff and said officer so seizing and delivering said distillery or apparatus shall, after the same has been destroyed, be allowed a fee of five dollars (\$5) to be paid by the county commissioners.

Application
of act.

SEC. 5. That this act shall apply only to Vance County.

Conflicting
laws 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 force from and after its ratification.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 113

AN ACT TO AMEND CHAPTER 144, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF 1917, RELATING TO ROADS AND BRIDGES IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section sixty-five of chapter one hundred and forty-four of the Public-Local Laws of North Carolina, session, one thousand nine hundred and seventeen, be amended by striking out the word "ten," in line six thereof, and inserting in lieu thereof the word "fifteen."

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 114

AN ACT TO PROVIDE FOR THE BETTER ENFORCEMENT
OF THE PROHIBITION LAW OF CERTAIN COUNTIES IN
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That any sheriff, deputy sheriff, constable or policeman of any incorporated town, or any highway patrolman in said counties charged with the duty of enforcing the criminal laws of the State, who shall produce evidence which will convict any person or persons of the offense of manufacturing, selling or offering for sale, transporting, buying, or having on hand for the purpose of sale or any other violation of the prohibition laws of the State, any spirituous, vinous or malt liquors in said county, shall receive a reward of twenty-five dollars, said sum to be paid by the person convicted and said sum shall be taxed as a part of the cost and collected by the sheriff as other costs in the trial: *Provided*, that if any person shall be convicted of violating any of the provisions of this act, and it shall be found at the time of sentence imposed by the court that the county will have to pay the costs, as now provided for, because of the total insolvency of the party convicted, then not more than twenty-five per cent of the sum designated as a reward for the officer shall be taxed against the county: *Provided further*, that if the county commissioners of the county shall be able to hire out the party convicted to any person, firm, or corporation, or other county (where there is no chain gang in the county where sentence is imposed) and receive the full amount of the cost from such employer, then the full amount of the reward above mentioned shall be paid to such officer as shall be entitled to the same under the provisions of this act.

SEC. 2. That any person or persons who shall be convicted of any of the offenses hereinbefore mentioned shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than fifty dollars nor more than one hundred dollars, and for a second or further similar offense shall be imprisoned not less than six months nor more than two years, and shall be required to pay all costs and sums taxed as a reward against such convicted person in addition to such fine or imprisonment as herein mentioned.

SEC. 3. That every person, firm, corporation, express company or railroad company who shall sell or deliver to any purchaser such quantity of copper, galvanized tin or sheet iron that can be used in manufacturing whiskey, or such quantity

Persons
manufacturing or
selling
intoxicating
liquors.

Reward for
officer.

Proviso:
twenty-five per
cent reward.

Further proviso:
hiring out of
party
convicted.

Misdemeanor;
penalty.

Sale of
copper, etc.

Sales record. of corn meal or sugar, as is unnecessary for ordinary domestic use under all reasonable existing circumstances surrounding the purchaser of such, shall keep a sales record showing the quantity of such material sold or delivered, the person or persons to whom sold or delivered, the postoffice address of such purchaser, and a written statement signed by such person as to the use or uses to which such material is to be applied.

Monthly inspection. SEC. 4. It shall be the duty of the sheriff or his deputy to make a monthly inspection, and oftener if it shall be deemed advisable, of the sales record herein provided for and it is hereby made the duty of the person, firm or corporation selling or delivering such material to produce such sales record on the request of the sheriff or other officer, and a failure to keep such record or to produce the same on request of the sheriff or other officer (which request may be made in person or by written demand) shall constitute a misdemeanor and subject the offender to a fine of fifty dollars or imprisonment for thirty days.

Failure misdemeanor; penalty. SEC. 5. If the purchaser of the materials herein mentioned shall live in a county other than that of the dealer or deliverer of such material, it shall be the duty of the sheriff of the county where the material was purchased or delivered to notify the sheriff of the county where the purchaser resides, sending to such sheriff a complete copy of the sales record herein mentioned touching such transaction, and the sheriff receiving such, or his deputy, on complaint made, oral or written, by any reputable person that such person, in good faith, has reason to believe that such material has been or is being used for unlawful purposes, shall immediately inspect the premises of such purchaser and a failure of the sheriff, or his deputy, to do so will constitute a misdemeanor and subject such officer to fine or imprisonment in the discretion of the court.

In re persons living in other counties. SEC. 6. If upon inspection of the premises by the sheriff or his deputy, the purchaser of the material herein mentioned shall be unable to account for the disposition which he has made of the same, it shall be prima facie evidence that such person, or persons, so purchasing or receiving such material are engaged in the manufacture of whiskey and the burden of proof shall be upon such person or persons to satisfy the jury that he or they are not engaged, directly or indirectly, in the manufacture of whiskey, and are in no way aiding or abetting in the manufacture of the same.

Prima facie evidence. SEC. 7. That any person who shall be convicted of public drunkenness in said county, or who shall be found in a drunken or intoxicated condition on any public highway or at any postoffice, church, school, picnic ground, or other public gather-

Public drunkenness.

ing in said county where people are assembled for any lawful purpose, shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than twenty-five dollars and for a second and further similar offense shall be imprisoned not less than sixty days nor more than four months.

SEC. 8. That any officer, person, firm, corporation, express company, or railroad company charged with any duty relating to the enforcement of this act or any section or clause thereof, who shall fail, refuse or neglect to comply with the requirements herein enumerated shall be guilty of a misdemeanor, and where no specific punishment has been provided for hereinbefore shall be fined or imprisoned in the discretion of the court.

Failure to comply.

SEC. 9. That this act shall apply to the counties of Transylvania, Jackson, Clay, Graham and Polk.

Application of act.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 115

AN ACT CREATING THE OFFICE OF TREASURER FOR THE COUNTY OF MITCHELL, FIXING THE COMPENSATION OF SAID OFFICE AND REGULATING ITS DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of treasurer for the county of Mitchell is hereby created and William G. Honeycutt is hereby appointed as treasurer of the county of Mitchell, to hold said office until the first Monday in December, one thousand nine hundred and twenty-six, at an annual salary of six hundred dollars, to be paid in equal monthly installments on the first Monday of each month and to enter upon the duties of said office the first Monday in February, one thousand nine hundred and twenty-five. At the next general election in November, one thousand nine hundred and twenty-six, and biennially thereafter there shall be elected by the qualified voters of said county a county treasurer as provided for the election of members of the General Assembly, to hold office for a period of two years.

Office of treasurer created.

Appointment.

Compensation.

Term of office.

SEC. 2. On the first Tuesday following the first Monday in February, one thousand nine hundred and twenty-five, the board of county commissioners of said county, the sheriff, and

Funds and evidences of indebtedness.

the Merchants and Farmers Bank of Mitchell County shall turn over to said county treasurer herein provided for all funds and evidences of indebtedness belonging to and due said county and every thirty days thereafter the sheriff shall turn over to said treasurer all such county funds and evidences of indebtedness.

Treasurer to give bond.

SEC. 3. The board of county commissioners of said county shall require said county treasurer before entering upon the duties of his office to give bond conditioned upon such amount as the board of county commissioners may require. Said bond shall be furnished by a reputable bonding company approved by the board of county commissioners and the premium on said bond shall be paid from county funds upon orders drawn by said board of county commissioners. Said bond shall be conditioned upon the faithful performance of the duties of said office of county treasurer and he shall account for all moneys which shall come into his hands as treasurer and render a just and true account thereof as required by law or by the board of county commissioners.

Governing of office.

SEC. 4. The duties of said office of county treasurer shall be governed by the provisions of chapter twenty-six of the Consolidated Statutes.

Conflicting laws repealed.

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

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 116

AN ACT REGULATING THE FEES OF WITNESSES IN ATTENDANCE ON THE COURTS OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Compensation and mileage for witnesses.

SECTION 1. That witnesses attending session of the Superior Court for Lincoln County under subpœna shall be entitled to receive the sum of two dollars per day and mileage. In binding a case to the Superior Court the justice of the peace is authorized to recognize not more than four witnesses except by the specific direction of the solicitor, which direction shall be marked on the warrant by the justice of the peace as to each additional witness recognized. If the defendant is guilty or his case is nol. pros. in the Superior Court, his witnesses shall be permitted to prove their attendance and be paid out of the county treasury. The attorney for the defendant shall

If defendant is guilty.

be entitled to certify necessary witnesses, but not more than two such witnesses shall be certified as necessary to prove any material fact and then only such witnesses as have been subpoenaed by an officer.

SEC. 2. Witnesses subpoenaed to attend a magistrate's court in said county shall be entitled to receive one dollar per day and mileage and such witnesses attending where the case is bound over to the Superior Court or appeal taken to the Superior Court shall be permitted to prove their attendance before the justice and their fees included in the final bill of costs.

Witnesses in magistrate's court.

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

Conflicting laws repealed.

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 117

AN ACT TO REPEAL CHAPTER 113, PUBLIC-LOCAL LAWS OF 1923, MODIFYING THE METHOD OF TERMINATING RECORDER'S COURT IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirteen Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby repealed.

Chapter repealed.

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 118

AN ACT TO REPEAL CHAPTER 80, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924 AND TO AUTHORIZE THE COUNTY COMMISSIONERS OF AVERY COUNTY TO EMPLOY AN AUDITOR.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty of the Public-Local Laws of the extra session, nineteen hundred and twenty-four, be and the same is hereby repealed.

Chapter repealed.

County auditor authorized.

Duty of county auditor.

Compensation.

Conflicting laws repealed.

SEC. 2. That the board of county commissioners of Avery County is hereby authorized to employ a county auditor whenever in their discretion the services of such person are necessary or advisable to the best interests of the county, and it shall be his duty to supervise and assist the register of deeds in computing the various township tax lists and such other duties as the board of commissioners may require.

SEC. 3. That the county commissioners of Avery County shall fix the salary of said auditor the same not to exceed fifteen hundred dollars, payable monthly, which shall cover all clerical help except such as may be furnished by the register of deeds in making out the tax lists.

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

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 119

AN ACT TO AUTHORIZE CRAVEN COUNTY TO FUND ITS PRESENT FLOATING DEBT; AND FOR NO OTHER PURPOSE.

The General Assembly of North Carolina do enact:

Issuance of bonds authorized.

Purpose of bonds.

Indebtedness validated.

SECTION 1. The board of commissioners of Craven County is hereby authorized to issue bonds of said county at any time prior to the first day of December, nineteen hundred and twenty-six, in an aggregate amount of not exceeding four hundred seventy-five thousand dollars (\$475,000), for the purpose of funding outstanding notes or other temporary or floating indebtedness of said county heretofore issued and incurred for the purpose of paying expenses which are necessary expenses of said county within the meaning of section seven of article seven of the Constitution of North Carolina or paying expenses necessary in order to maintain public schools in said county at least six months in every year as required by section three of article nine of the Constitution of North Carolina. The said outstanding indebtedness, amounting to four hundred seventy-five thousand dollars (\$475,000), is hereby validated. The said board of county commissioners is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act as such principal

and interest become due, which tax shall be in addition to all other taxes authorized by law to be levied in said county.

SEC. 2. The said bonds may be issued all at one time or from time to time. They shall bear interest at a rate not exceeding six per centum per annum, payable semiannually and shall mature at such time or times, not more than thirty years after their respective date or dates and the principal and interest thereof shall be payable at such place or places and in such medium or payment as the board of commissioners of Craven County may determine. They shall be issued in coupon but may be subject to registration as to the principal alone or as to both principal and interest, as may be determined by the said board of county commissioners. Said bonds shall be sold at public or private sale for not less than par with or without advertisement or issued in exchange for a like amount of the notes to be funded by said bonds.

SEC. 3. Before issuing any of said bonds, said board of county commissioners shall, by resolution, find and determine the amount of the outstanding indebtedness referred to in the first section of this act and authorized by this act to be funded. Said resolution shall be published once in each of two successive weeks in a newspaper published in the city of New Bern. With said resolution there shall be published a notice substantially in the following form (the blanks being first properly filled in), with the name of the clerk of the board of county commissioners appended thereto, namely: "The foregoing resolution was passed by the board of county commissioners of Craven County on theday of..... 19....., and was first published on the.....day of..... 19..... The correctness of the finding and determination made by said resolution will not be open to question in any court except in a suit to enjoin the issuance of bonds for the purpose of funding the indebtedness referred to in said resolution, commenced within thirty days after the first publication of said resolution."

SEC. 4. The correctness of the said finding and determination shall not be open to question in any court except in a suit to enjoin the issuance of said bonds commenced within thirty days after the first publication of said resolution.

SEC. 5. The powers granted by this act are granted in addition to and not in substitution for the existing powers of Craven County, and are not subject to any debt, limitations or other limitation or restriction prescribed by any other law. It shall not be necessary to submit to a vote of the people the question of issuance of said bonds, notwithstanding the

Additional tax.

Time of issuance.

Rate of interest.

Form of bonds.

Public or private sale.

Resolution published.

Blank.

Not open to question.

Additional powers.

Vote not necessary.

provision of any general or special law providing for the submission of the question of bond issue to a vote of the people.

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 120

AN ACT TO AMEND CHAPTER 259, PUBLIC-LOCAL LAWS, SESSION 1915, RELATING TO THE WORKING OF THE PUBLIC ROADS OF SEABOARD TOWNSHIP OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section seven (7) of chapter two hundred fifty-nine (259), Public-Local Laws, session, nineteen hundred and fifteen, be and the same is hereby stricken out in so far as it applies to Seaboard Township, and the following be and the same is hereby inserted in lieu thereof:

The board of road commissioners of Seaboard Township to ascertain the amount of tax necessary to be levied for road purposes at their May meeting and the county commissioners to levy said tax.

“Section seven. At or before their meeting in May of each year said board of road commissioners of Seaboard Township shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies and for all other things and purposes necessary for the proper working and improving and establishing the public roads in said Seaboard Township, and to pay all expenses thereof and the expenses pertaining to the performance of their duties for any one year, and shall annually fix and determine the rate of taxation on the property and polls of said township for the purpose of raising said amount, which rate shall not be less than ten (10) cents and not more than sixty (60) cents on the one hundred dollars (\$100) valuation of the real and personal property, and not less than thirty (30) cents and not more than one dollar and eighty cents (\$1.80) on each poll for any one year, and said board of road commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said Northampton County on or before their June meeting in each and every year; and it shall be the duty of the said board of county commissioners at their meeting in June (or such time as may be fixed by law) to levy a special tax as determined by said board of township road commissioners, but the rate shall be in the discretion of the said board of county commissioners. Said taxes shall be collected as other taxes are collected, and shall be kept separate by the tax collector and paid over to

the treasurer of said township road board. Such taxes shall be levied upon and collected out of the property and polls in said Seaboard Township, whether in incorporated towns or not."

SEC. 2. That section nine (9) of chapter two hundred and fifty-nine (259), Public-Local Laws, session (1915) nineteen hundred and fifteen, in so far as it relates to Seaboard Township, be and the same is hereby amended by striking out the words "one dollar" just before the word "per," in line twelve (12), and insert therein the words "two dollars," and said section (9) nine be and the same is hereby further amended in so far as it relates to Seaboard Township, by adding thereto the following:

Further
amendment.

Provided further, that if any person liable to work on the roads of said township shall fail to attend and work as provided by law when summoned so to do, unless he shall have paid the two dollars as provided, he shall be guilty of a misdemeanor and fined not less than ten dollars nor more than twenty dollars or imprisoned not exceeding ten days."

SEC. 3. That section (19) nineteen of chapter (259) two hundred and fifty-nine, Public-Local Laws, session (1915) nineteen hundred and fifteen, be and the same is hereby amended by adding thereto the following: "And if the owner of the land from which any such gravel, clay, earth, sand or stone may be taken, or through or on which any such drain or ditch may be made, and the said board of road commissioners cannot agree as to the compensation for any damage that may be done any such land thereby, then the owner of such land may bring an action against said board of land commissioners to determine such damages in the court of justice of the peace of said county or in the Superior Court of said county, according to the respective jurisdictions of said courts: *Provided*, that any such action shall be commenced within twelve months from the ratification of this act as to all such acts heretofore committed and within twelve months from the commission of all such acts hereafter committed, or such claims for damages will be barred.

Further
amendment.

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

Conflicting laws
repealed.

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 121

AN ACT TO INCREASE THE PAY OF THE JURORS OF
ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Compensation
of jurors.

SECTION 1. That the county commissioners shall be required to pay all jurors and tales the sum of three dollars (\$3) per day.

Application
of act.

SEC. 2. This act shall apply to the county of Rowan.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 122

AN ACT RELATIVE TO THE FEES OF THE CLERK OF THE
SUPERIOR COURT OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Additional fees
clerk of court.

SECTION 1. That the clerk of the Superior Court of Watauga County shall be allowed, in addition to the fees now allowed by law, the sum of six dollars per day for clerk hire during each term of the Superior Court and the sum of twenty-five dollars for making the bar dockets for each term of the Superior Court. To be paid out of the general county fund.

SEC. 2. This act shall apply to Watauga County only.

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.

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 123

AN ACT TO AMEND CHAPTER 46 OF THE PUBLIC-LOCAL
LAWS, 1917, RELATING TO THE DISBURSEMENT OF
PUBLIC FUNDS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Amendments.

SECTION 1. That chapter forty-six of the Public-Local Laws of one thousand nine hundred and seventeen be and the same is hereby amended as follows:

(a) By striking out the word "May," in lines three and four of section six of said chapter, and inserting in lieu thereof the word "August"; (a)

(b) By striking out the word "April," in line one of section seven, and inserting in lieu thereof the word "July"; (b)

(c) By striking out the word "May," in lines eight and nine of section seven, and inserting in lieu thereof the word "August"; (c)

(d) By striking out the word "May," in line two of section eight, and inserting in lieu thereof the word "August," and by striking out the word "fifteen," in line nine of said section eight, and inserting in lieu thereof the word "twenty-five"; (d)

(e) By striking out the word "May," in line two of section ten of said chapter, and inserting in lieu thereof the word "August," and by striking out the word "ten," in line nine of section ten, and inserting in lieu thereof the word "thirty"; and by adding at the end of said section the following: "*Provided*, that the bank or banks so designated as county depository shall not be entitled to receive the public funds of said county until the first Monday in October next following the award thereof on the first Monday in August and the bonds and undertakings required to be executed and tendered under the provisions of this act shall become effective only from and after the first Monday in October next following the award of said public funds"; (e)

(f) By striking out section twelve of said chapter and inserting in lieu thereof the following: "Upon the execution and approval of said undertaking it shall be the duty of the clerk or chairman of the board of county commissioners to notify the sheriff of Robeson County in writing and also to notify all other officers of said county having in their custody or control any of the moneys required to be deposited as specified in this act, and the bank or banks which have been designated as depositories for public moneys, and it shall be the duty of the sheriff and other officers of said county having control of said public moneys to deposit same in the said bank or banks so designated as depositories, beginning on the first Monday in October next after the award of said public funds and the notice to said sheriff and other public officers, and they shall so continue to deposit said public funds until otherwise directed by the board of county commissioners of Robeson County as provided by this act"; (f)

(g) By striking out the word "ten," in line three of section thirteen of said chapter, and inserting in lieu thereof the word "thirty"; (g)

(h) By striking out all of line six in section twenty-one between the word "funds" and the word "after" and inserting in lieu thereof the following: "within ten days."

Deposit of
public funds.

SEC. 2. That it is hereby declared that the purpose and intention of this act is to change the date for designating the public depository and awarding the public funds in Robeson County from the first Monday in May to the first Monday in August of each year and fixing the first Monday in October as the date when the bank or banks so designated as county depository shall be entitled to receive the deposit of public funds, to the end that sixty days shall elapse between the awarding of said public funds and the date the bank or banks receiving said award shall be entitled to actually receive said funds on deposit; and every clause or section of chapter forty-six, Public-Local Laws, one thousand nine hundred and seventeen, in conflict with the purposes of this act are, to the extent of such conflict, hereby repealed.

Conflicting
laws repealed.

Deposit of public
moneys
by sheriff.

SEC. 3. That the sheriff of Robeson County shall deposit all public moneys collected by him in the bank or banks designated as county depository to his credit as sheriff for the period of ten days, so that sufficient time may elapse for all checks given him in settlement of taxes or for other purposes may clear before the same shall be turned over officially to the county depository and before the said county depository shall be required to receipt for such funds. Neither the sheriff nor the county depository shall be liable or responsible for any checks given to the said sheriff in settlement of taxes or for other purposes until final payment of said check has been made.

Sheriff of
county not liable.

First National
Bank of
Lumberton
county
depository.

SEC. 4. That the First National Bank of Lumberton, the present depository of Robeson County, shall continue and remain the depository of said county under the same bond which has heretofore been executed until the first Monday in October, one thousand nine hundred and twenty-five, and until another depository has been legally designated by the board of county commissioners of Robeson County and has duly qualified as such under the provisions of this act.

Fifty per cent
paid by county
commissioners.

SEC. 5. That fifty per cent of the premium on the bond required to be executed by the county depository shall be paid by the board of county commissioners of Robeson County and fifty per cent thereof by the bank or banks so designated as county depository and the board of county commissioners of Robeson County may, when public funds are again awarded under the provisions of this act, require the bank or banks so receiving said award to execute a bond in such sum as they may deem necessary for the proper protection of the said county not exceeding the amount of two hundred thousand dollars.

Fifty per cent
by banks.

SEC. 6. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed. Conflicting laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 124

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO ISSUE FUNDING BONDS AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and it is hereby authorized and empowered to issue and sell, at one time or from time to time, not exceeding one hundred and forty-five thousand dollars, bonds of said county for the purpose of funding and paying all or any part of the one hundred and forty-five thousand dollars floating indebtedness of said county, now evidenced by outstanding notes issued for the purpose of paying off the general county debt and school debt, which indebtedness is evidenced by notes as follows: Issuance of bonds authorized.

(a) Notes in the aggregate sum of forty thousand dollars, bearing interest at the rate of five and one-half per cent, dated January six, one thousand nine hundred and twenty-five, and payable April sixth, one thousand nine hundred and twenty-five at the Hanover National Bank in the city and state of New York; First sum.

(b) Notes in the aggregate sum of ten thousand dollars, bearing interest at the rate of six per cent, issued December seventh, one thousand nine hundred and twenty-four, payable April seventh, one thousand nine hundred and twenty-five, at the Hanover National Bank in the city and state of New York; Other notes.

(c) Notes in the aggregate sum of twenty thousand dollars, bearing interest at the rate of five and one-half per cent, dated September, one thousand nine hundred and twenty-four, due March seventeenth, one thousand nine hundred and twenty-five, payable at the Hanover National Bank in the city and state of New York;

(d) Notes in the aggregate sum of forty thousand dollars, bearing interest at the rate of four per cent, dated October twenty-third, one thousand nine hundred and twenty-four, due April twenty-third, one thousand nine hundred and twenty-

five, payable at the Hanover National Bank in the city and state of New York;

(e) Notes in the aggregate sum of ten thousand dollars, dated December seventh, one thousand nine hundred and twenty-four, and payable April seventh, one thousand nine hundred and twenty-five, at the Murchison National Bank of Wilmington, North Carolina:

(f) Notes in the aggregate sum of ten thousand dollars, dated January fourth, one thousand nine hundred and twenty-five, and payable April fourth, one thousand nine hundred and twenty-five, at the Bank of Kenansville, Kenansville, North Carolina;

(g) Notes in the aggregate sum of fifteen thousand dollars, dated October sixth, one thousand nine hundred and twenty-four, due April sixth, one thousand nine hundred and twenty-five, payable at the Hanover National Bank in the city and state of New York, which floating indebtedness is evidenced by notes hereinbefore mentioned, is hereby ratified.

Rate of interest.

The said bonds when issued by the board of county commissioners of Duplin County shall bear interest at a rate not to exceed six per cent per annum, which interest shall be payable semiannually, and which bonds shall mature at such time or times not exceeding ten years from their respective dates as the said board of commissioners of Duplin County may determine. No sale of any of said bonds shall be made at less than par nor until a notice of the date for receiving bids shall have been published once, at least ten days before said sale, in a newspaper published in Duplin County and in a financial journal published in the city of New York. No other or further notice of sale of said bonds shall be required, nor shall a vote of the electors be necessary to authorize or empower the said commissioners to issue said bonds.

Notice of sale of bonds.

Commissioners authorized.

The said commissioners are authorized to issue said bonds at one time or from time to time and in such denominations as they may determine, and the aggregate of said bonds shall not exceed one hundred and forty-five thousand dollars.

Special tax.

SEC. 2. That for the purpose of paying the interest of said bonds and creating a sinking fund to pay the principal thereof when due, the board of county commissioners of Duplin County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax over and above all other taxes, on all taxable property in Duplin County, in accordance with law, sufficient in amount to pay said interest and to create a sinking fund to pay the principal of said bonds at maturity.

SEC. 3. That the board of commissioners of Duplin County, at the time of the issuing of said bonds, are empowered and authorized to provide in the face of said bonds that a certain portion of the principal of said bonds together with the interest shall fall due and become payable one year from the date of said bond or bonds and a like portion of the principal of said bonds shall become due and payable annually thereafter until the entire principal and interest of said bond or bonds shall be paid.

Portion payable
one year from
date.

SEC. 4. That the treasurer of Duplin County shall collect said special tax as other taxes are collected and shall hold and keep said special tax exclusively for the purpose of paying the bonds and interest on the same.

Collection
special tax.

SEC. 5. That the treasurer of Duplin County may, by the order and direction of the board of county commissioners of Duplin County, invest such sinking fund from time to time in safe securities such as said board of commissioners may designate, to be taken in the name of Duplin County, the principal and interest of the same to be used to discharge said bonds when due.

Investment
sinking fund.

SEC. 6. Said bonds shall be issued in coupon form and the bonds and coupons shall be executed as may be determined by the board of commissioners of Duplin County, and the said bonds shall be denominated as follows:

Form of bonds.

The bonds issued for the purpose of paying the general expenses for the county shall be denominated "Duplin County funding bonds." The bonds issued for paying the school debt shall be denominated "Duplin County school debt funding bonds."

"Duplin County
funding
bonds."

SEC. 7. That all laws and clauses of laws conflicting with this act are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 125

AN ACT ENABLING COUNTY COMMISSIONERS TO ADJUST LOSSES IN ENFORCING CATTLE TICK ERADICATION.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever the owner of cattle has been forced to kill the same and sustains losses in an effort to comply with the rules of the Agriculture Commission, in the effort

Adjustment
of losses.

to eliminate the cattle tick infection, wherein the owner has made an honest effort to comply with the law and dip the same in accordance with the regulations and rules of the Agriculture Commission, and being unable to do so are forced to kill the same, the county commissioners are hereby authorized and empowered to make a reasonable adjustment of the same provided the cost thereof shall not exceed the sum of twenty dollars (\$20) per head, to be paid out of the general funds of the said county.

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

SEC. 3. *Provided*, that this act apply to Pitt County only.
Ratified this the 18th day of February, A.D. 1925.

CHAPTER 126

AN ACT TO AMEND CHAPTER 435, PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE FEES OF THE OFFICERS OF CATAWBA COUNTY.

Amendments.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-five, Public-Local Laws, nineteen hundred and thirteen, be and it is hereby amended in the following particular:

(a) By striking out the words "eighteen hundred," in line two of section six, and inserting in lieu thereof the words "three thousand."

(b) By striking out, in line two of section seven, the words "eighteen hundred" and inserting in lieu thereof the words "three thousand."

(c) By striking out the words "two thousand," in line two of section ten, and inserting in lieu thereof the words "forty-five hundred."

Chapter
repealed.

SEC. 2. That chapter forty-seven, Public-Local Laws, nineteen hundred and twenty-one, be and it is hereby repealed, as well as all other conflicting laws: *Provided*, this act shall not affect the compensation now being paid to the county commissioners.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 127

AN ACT TO REGULATE THE PAY OF THE COUNTY COMMISSIONERS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the board of county commissioners of Stanly County shall receive the sum of six and one-half dollars per day and such mileage, as now provided by law, while attending any regular, adjourned, or call meeting of said board.

Compensation
county
commissioners.

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

Conflicting
laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 128

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of June, one thousand nine hundred and twenty-five, the compensation of the board of commissioners of Wilson County shall be as follows, to wit: The chairman shall be paid the sum of five hundred dollars (\$500) annually and each of the other members thereof shall be paid the sum of two hundred dollars (\$200) each annually.

Compensation
commissioners.

SEC. 2. All laws, parts of laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 129

AN ACT TO AMEND CHAPTER 505 OF THE PUBLIC-LOCAL LAWS OF 1917, RELATING TO HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, chapter five hundred and five of the Public-Local Laws of one thousand nine hundred and

Amendment
fixing salary of
sheriff at twenty-
one hundred
dollars per
annum.

seventeen, be and the same is hereby amended by striking out the word "twelve," in line seven of said section, and inserting in lieu thereof the words "twenty-one."

Additional
compensation.

SEC. 2. That the sheriff of Hertford County shall be entitled to all process fees as additional compensation for his services as said sheriff.

Conflicting
laws repealed.

SEC. 3. That all laws and clauses of laws in so far as they may conflict with this act are hereby repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 130

AN ACT TO AMEND CHAPTER 219 OF THE PUBLIC-LOCAL LAWS OF GENERAL ASSEMBLY OF NORTH CAROLINA, 1923, PERTAINING TO CAMDEN COUNTY HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and nineteen of the Public-Local Laws of the General Assembly of North Carolina, session one thousand nine hundred and twenty-three, be amended by striking out all of the last part of section three of said chapter, beginning after the word "thereof," in line four, and inserting the following: That the county highway commission may, when they deem necessary, employ a secretary to said commission, provided that it shall not expend for such services an amount in excess of three hundred dollars per annum.

Section repealed.

SEC. 2. That section six of said chapter two hundred and nineteen of the said Public-Local Laws is hereby repealed, and the following shall be in lieu thereof: "The following named citizens of Camden County be and they are hereby appointed and shall constitute the Camden highway commission: W. A. Gregory, R. L. Whaley, and J. Logan Sawyer, and they are hereby appointed for a term of four years from the first Monday in April, one thousand nine hundred and twenty-five."

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 the first Monday in April, one thousand nine hundred and twenty-five.

Ratified this the 18th day of February, A. D. 1925.

CHAPTER 131

AN ACT TO AMEND CHAPTER 552, PUBLIC-LOCAL LAWS, 1919, SO AS TO REGULATE THE COMPENSATION OF THE SHERIFF AND TAX COLLECTOR OF YANCEY COUNTY AND THE MANNER OF COLLECTING TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter five hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out, in line four of said section one, the word "four" and inserting in lieu thereof the words "two and one-half"; and that said section be further amended by striking out all of said section after the word "purposes," in line seven of said section, and inserting in lieu thereof the following: "beginning with the tax books for the year one thousand nine hundred and twenty-seven. The sheriff and tax collector of Yancey County shall not be required to visit the different townships of said county but once annually for the purpose of collecting taxes and he shall advertise the time and place when he will be in the different townships by placing a poster or posters in said townships, one to be placed at the place where said sheriff will be for the collection of taxes in said township and said notice shall be posted at least ten days before the day set for his visiting said township. Any one failing to meet the said tax collector at the time and place mentioned in said notice shall be required to come to the office of said tax collector for the purpose of settling his taxes, but this shall not be construed to mean that the sheriff cannot accept taxes at any other time or place."

Amendment.

SEC. 2. That section three of chapter five hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and nineteen be and the same is hereby repealed.

Section repealed.

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

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after the expiration of the present term of the sheriff and tax collector and upon the delivery of the one thousand nine hundred and twenty-seven tax books to the sheriff and tax collector of Yancey County.

Enforcement of act.

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 132

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALLEGHANY COUNTY TO REASSESS THE LANDS OF SAID COUNTY FOR THE PURPOSES OF TAXATION.

The General Assembly of North Carolina do enact:

Commissioners authorized to order revaluation lands.

SECTION 1. That the board of commissioners of Alleghany County are authorized at their regular meeting in May, nineteen twenty-five, to order a revaluation or reassessment of all lands in said county for the purposes of taxation for the year nineteen twenty-five if in their discretion such is necessary to equal distribution of the burdens of taxation and such valuation to continue until the next regular assessment under the general laws of the State.

Authorized make horizontal reduction.

SEC. 2. That said board of commissioners in carrying out the purpose of section one are authorized to make a horizontal reduction in the present valuation of all lands in said county not exceeding twenty-five per cent of the present assessed value thereof or to make a complete reassessment under the rules provided for the assessment of lands by the general laws of the State.

Application of act.

SEC. 3. That this act shall apply only to the county of Alleghany.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 133

AN ACT VALIDATING CERTAIN BONDS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Sale of bonds validated; special tax.

SECTION 1. The proceedings of the board of county commissioners of Chatham County adopted on the second day of February, one thousand nine hundred and twenty-five, authorizing and selling seventy-one thousand dollars road and bridge bonds of the county, and providing for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 134

AN ACT TO AMEND CHAPTER 194 OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION OF 1920, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-four, section one, subsection "d" of the extra session of the General Assembly of one thousand nine hundred and twenty, be and the same is hereby amended by adding at the end of said subsection "d" of section one of said act the following: "and each member shall receive the same compensation for every days service rendered the county when not in session, when such service is rendered under the direction or approval of the board."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 135

AN ACT TO AUTHORIZE THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS TO CONSTRUCT AND MAINTAIN IN SAID COUNTY A SYSTEM OR SYSTEMS OF WATER PIPES, SEWERAGE AND SEWERAGE PIPES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Buncombe County be and they are authorized and fully empowered to lay, build, construct and maintain in said county such system or systems of water pipes, sewerage and sewerage pipes and extensions of the same as to said board may seem advisable, or cause the same to be so laid, built, constructed and maintained, and shall keep the same in proper condition and repair with proper connections, and make all necessary provisions for so doing and shall regulate such system or systems and every part thereof and may require the owner or owners of any improved lots in said county on any public road, highway or alley where such water and sewer pipes have been laid or are conveniently accessible, or on any line of pipes to connect such lot with such sewer and water pipes in the manner and at

Authority given commissioners to lay out a system of water pipes, sewerage pipes, etc.

Duties of commissioners.

Notice to owners to connect with sewer and water pipes.

Commissioners may connect and charge cost to owner.

Lien.

Enforcement of lien.

Expenses of laying out assessed to abutting landowners.

Assessment distinct.

Survey of water lines to be made, showing in detail the location of pipe lines, etc.

Map to be filed in auditor's office.

Indexed record book.

In case disagreement as to amount due for pipe or water line, to be determined by a jury of six freeholders.

the places designated by said board of county commissioners after having first given said owner or owners thirty (30) days notice in writing, and upon failure of the owner or owners to connect the same within the time such notice required, the board of county commissioners may enter upon such land and make such connections, and charge the cost therefor against said lot, and such costs or charges shall be collected and shall constitute a lien upon such lot in the manner and to be enforced in the same manner and with like powers and privileges as is hereinafter provided with regard to the collection of special benefits or enhanced value.

SEC. 2. In all cases where sewer pipes or water pipes shall be laid by or under the authority of the said board of county commissioners on any highway, alley or anywhere else in said county, the costs and expense of laying and constructing same shall be assessed against the property abutting on each side of said sewer line or water line, as well as against all property with a radius of benefits arising from such improvements thereof not actually abutting thereon. Said radius of benefits to be determined by an assessment district extending in every direction to the limits of the area or zone of damages or special benefits to property resulting from said improvement in the best judgment of the said board of county commissioners.

SEC. 3. Whenever the said board of county commissioners shall order the construction of any system or systems of water pipes, sewerage or sewerage pipes to be made on any highway or any part of said county, they shall have the same accurately surveyed and cause an accurate map to be made of the various lots and properties abutting on said improvement or the portion thereof so supposed to be improved showing the exact frontage of each lot and also the subdivisions, if any, and the said map shall be filed in the office of the auditor of said county to be open to public inspection, and when the assessment and liens herein provided for shall have been made upon the various lots and properties, the said auditor shall keep a properly indexed record book showing such assessed liens and the date and amount of all payments made upon each said assessment and liens.

SEC. 4. The property liable to assessment hereunder and the apportionment of the cost and expense of said improvement against the same, in case of disagreement between the owner or owners thereof and the said board of county commissioners as to the pro rata part of said costs and expenses, shall be assessed against any piece or parcel of property benefited as aforesaid, to be determined by a jury of six freeholders of said county unconnected by consanguinity or affinity with any

of the persons supposed to be affected by said improvement and summoned to pass upon said question above mentioned by any sheriff or deputy sheriff of said county upon writ directed to him by the chairman of said board of county commissioners under the seal of said county, commanding that such be done, and succinctly describing the duties to be performed by such jury.

Chairman of board of commissioners to have sheriff to summons jury.

SEC. 5. Such sheriff or deputy sheriff shall also serve notices at the time of meeting of the jury upon all persons who are named in said writ, as supposed to be affected, as aforesaid, by such improvement, at least fifteen (15) days before the day appointed for such meeting of the jury. Such notices shall be in writing and addressed to the person or persons upon whom service thereof is made and shall state the time appointed for such meeting of the jury and shall designate briefly the improvement and may be issued as a single notice to all persons named in such writ or as a separate notice to every one of them or to any two or more of them. Such notices shall be served upon the person or persons therein mentioned or his, her or their agent by reading the same to him, her, or them, and if any such person or her, his or their agent cannot be found in such county, the chairman of said board shall, upon affidavit thereof, made and filed upon him by such sheriff or deputy sheriff, direct such notices to be served by posting a copy of the same at the courthouse door of such county for at least fifteen (15) days immediately preceding the time for the meeting of such jury and such posting shall, upon the expiration of the time in such order designated, be a sufficient service of such notice and the party shall then be duly notified of such proceeding. Such sheriff or deputy sheriff shall duly return such writ and all such notices with his return thereon in writing endorsed to the chairman of said board.

Notices, served by sheriff.

Contents of notice.

If cannot be personally served may be served by posting notice at courthouse door.

Sheriff shall make his returns to chairman of board of commissioners.

SEC. 6. Each member of said jury summoned as aforesaid shall repair to the office of the chairman of said board at a date and hour to be named in the chairman's said writ, not more than thirty (30) days after the date of the same, and shall be sworn by the chairman of said board of commissioners or any other person competent to administer oaths in this State, to fairly and impartially execute the duties of his office before entering upon the performances thereof; upon the assembling of said jury at said chairman's office, any person summoned as aforesaid, upon excuse offered satisfactory to said chairman, may, by him, be excused from further service; and it shall be the duty of the said chairman to require any sheriff or deputy sheriff of said county to forthwith summons

Jurors sworn in.

Jurors may be excused for good cause shown.

Duty of sheriff. another person having the qualifications hereinbefore described to serve upon said jury in the place and stead of the juror so excused by the said chairman.

Duties of jurors. SEC. 7. Immediately after being sworn as aforesaid, said jury as finally constituted shall proceed without unnecessary delay to view the highway, properties and section in which said improvement has been or is proposed to be made, as hereinbefore described, and all the property deemed by them to be beneficially affected thereby as hereinbefore described and shall, within a reasonable time thereafter, not exceeding five (5) days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece or parcel of property deemed by them to be beneficially affected by said improvement, together with the amount of the special benefit thereto arising from such improvement, and the pro rata part of said costs and expense, and giving also the name or names of the supposed owner or owners thereof.

Jurors to report in detail. Shall give name of owner of property. Inability to agree may be excused after twenty-four hours deliberations and shall file their report. SEC. 8. In case of inability of the jury with a majority concurring to agree upon the special benefit and the pro rata part of said costs and expense to any piece or parcel of land as aforesaid arising from such improvements, after being together and considering same for twenty-four (24) hours, they may be excused from further consideration thereof by said chairman and shall file their report as hereinafter required concerning the pieces or parcels of land upon which they shall have been able to agree; and the said chairman may, by writ, as hereinbefore described, immediately require another jury of six persons possessing the same qualifications as said first mentioned jury, to be summoned and qualify as aforesaid, who shall forthwith proceed in the manner and within the time hereinbefore mentioned, to pass upon and determine the questions left undetermined by said first-mentioned jury, and to file their report in the manner and within the time herein required, in cases where there is no disagreement upon the part of the jury.

Second jury. Report to be filed with auditor, who shall submit it to commissioners. SEC. 9. After making their report as herein required, the jury shall forthwith file the same with the county auditor, who shall submit it to the board of county commissioners at their next regular meeting after the day on which the same is filed as aforesaid, for their action, said board of county commissioners shall, at said meeting or at any regular meeting thereafter not exceeding twenty (20) days from the date of submission of the same, require the auditor to publish a notice of not less than twenty (20) days in some newspaper published in said county and of general circulation therein, to the effect

Notice published, showing report made by jurors, showing the name of the owner of the property, or in whose name the same is listed.

that said jury has made its report and pro rated and assessed the costs and expenses of said improvement (which shall be described generally) against the property specially benefited thereby, naming, where possible, the owners thereof, or the party in whose name said property may be listed for taxation, or in case the name of the owner cannot be ascertained and said property is not listed for taxation then the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the county auditor and they and each of them are required to be and appear at a regular meeting of the said board of county commissioners to be specified in said notice, and to be held not less than ten (10) days after the date of expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said board of county commissioners.

Notifying parties to appear before commissioners.

SEC. 10. Upon such meeting, said board of county commissioners shall take up and consider the report of said jury and any competent evidence from any person interested in the property affected thereby touching any matters covered by said report, and to that end said board of county commissioners are hereby constituted a court with power to send for persons and papers to provide for the examination of witnesses and to punish witnesses or others, in proper cases, for contempt of court. After hearing the evidence as aforesaid and duly considering said report, or in case no objection is made, after duly considering said report, said board of county commissioners may approve, correct, amend, modify or reject the same or any item therein, as to them may seem just and proper.

Consideration of report.

SEC. 11. The report of the said corrected, amended or modified report, as the case may be, shall then be entered in full in a book to be provided for that purpose by the board of county commissioners, and to be entitled "Record of sewer and water liens," which book shall be kept by the county auditor, and shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement so as to enable the public to whom said book, with its index, shall always be open and accessible during business hours, to readily ascertain what property may be affected by said assessment and the amount of said assessment against each piece or parcel of property.

Decision board of commissioners.

"Record of sewer and water liens."

SEC. 12. Any owner of land affected by said lien for assessments shall have the right to be heard concerning the same before the said board of county commissioners by filing objections thereto in writing, duly verified by his oath, in the office of the board of commissioners, at least two (2) days prior

Hearing of landowner.

to the first meeting of the said board, at which time said report may be approved, confirmed or rejected, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state in said objections in writing, what part, if any, of said assessment he admits lawfully chargeable to his said land and what part thereof he disputes, and said board of commissioners shall hear said objection and shall approve, confirm or reject said report and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this act.

Right to appeal.

Written undertaking to be filed.

Power of appellate.

SEC. 13. Any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right within ten (10) days after the approval or confirmation of the said report by the said board of county commissioners, and not after that time, to appeal from the said decision of the said board of county commissioners to the next term of the Superior Court of Buncombe County, by serving upon the chairman of said board notice in writing of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the clerk of the Superior Court of Buncombe County, a written undertaking in at least the sum of two hundred dollars (\$200), with sufficient sureties to be justified before and approved by said clerk, to the effect that said appellant will pay to said county all such costs and damages that it may sustain by reason of such appeal, if the court shall finally render judgment against such appellant. On any such appeal, the appellate court shall have power to increase, affirm or diminish the amount of the item appealed from, but not to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder, obstruct or delay such improvements.

Record on appeal.

“An appeal from an assessment.”

SEC. 14. In case of appeal as aforesaid, a copy of said report, in so far as it affects the property of the applicant, as the same was approved by the board of county commissioners, a copy of the objection of the appellant thereto and of said notice, duly certified by the clerk of the said board of commissioners, shall constitute the record on appeal, and when filed in the office of the clerk of Superior Court of said county, the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the county of Buncombe as “An appeal from an assessment,” and the cause shall then be deemed to be at issue without any further plea on the part of said county, but the said county shall have the right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court, be-

ginning more than ten (10) days after the docketing of said appeal: *Provided*, that if said appeal is not docketed and said bond is not filed by the appellant within ten (10) days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited.

Right of appeal
forfeited.

SEC. 15. Upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessment shall be discharged, if, however, the issues or any of them be found in favor of the county of Buncombe to any amount, and if it be thereby ascertained that the appellant is due to said county any amount by virtue of the matters therein referred to or that said land is subject to a lien for said assessments or any part thereof, then the amount so found in favor of the county of Buncombe with interest thereon, together with costs thereon occurred, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by the said board of county commissioners, and shall be collected as hereinafter provided.

In favor
appellant.

In favor county.

Collection of
assessment.

SEC. 16. The amount of any special benefit or enhanced value, and the pro rata part of said costs and expense so assessed against any premises by the board of county commissioners of said county, are on appeal adjudged against the same, shall, upon such final determination of said board of county commissioners, with respect thereto, in case no appeal is taken therefrom or upon final judgment of the court in case any such appeal, be and become a lien in favor of said county, on said property on which it has been so assessed or adjudged, as of the time of such final determination, on the part of the board of county commissioners, and shall be paid to the auditor of said county in five (5) annual installments, one, two, three, four and five years respectively, together with interest on each installment at the rate of six per cent per annum from said date and in case of failure to pay either of said assessments of any installment thereof within thirty (30) days after its maturity, then the whole thereof shall become immediately due and payable, and an execution shall be issued by the auditor of said county directed to the chairman of the board of commissioners of said county, who shall advertise the land upon which the said assessments so in default have been made as aforesaid, as is required by law for the sale of real estate for delinquent taxes.

Lien in favor
of county.

Payment.

Rate of interest.

SEC. 17. The said chairman shall sell the said land, or a portion thereof, at the courthouse door in Buncombe County,

Sale of land.

Statement
of receipt.

North Carolina, in the same manner as provided for the sale of real estate for delinquent taxes, and shall give to the purchaser a receipt stating the time the land was advertised, the date of sale, the name of the purchaser, the price paid, the amount of the assessments due thereon, the costs of the sale, the name of the owner or owners of the land sold, the interests in the said land so sold, as aforesaid, and the description of same, and the owner or owners of the land so sold, as aforesaid, shall have twelve (12) months within which to redeem the said lands from such sale by paying to the auditor of said county the amount for which said lands were sold together with twenty per centum per annum additional thereto, together with all the expenses of the advertisement and conduction of such sale.

Concerning sale.

SEC. 18. In making such sale, the said chairman shall set up and offer for sale the whole of the real estate to be sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amounts of the assessments due thereon, with all costs and expenses for making the sale for the smallest interest in the said land. For every piece of real estate or part thereof so advertised, said chairman shall also collect in the same manner as such assessments are collected, the sum of one dollar to defray the expenses of such advertising. All such sales shall be made to the highest bidder for cash, on any day of the week or month except Sunday or legal holiday, and he shall be deemed the highest bidder who will pay such assessments and expenses of the sale for the smallest interest in the said real estate, and if no person shall bid enough to pay such assessments and expenses, said chairman shall bid, on behalf of the county of Buncombe, the amount of such assessments and expenses, and if no higher bid shall be made, the same shall be struck off to the said county of Buncombe, and in all cases where real estate shall be struck off to the said county as hereinbefore provided, the same shall belong to the said county in fee simple, unless redeemed in the manner as herein provided.

Expenses of
advertising.

Sale.

SEC. 19. The said chairman shall immediately thereafter make a return to the auditor of said county by filing a statement of the proceedings showing the purchaser or purchasers of said real estate, and the amount or interests in such real estate or each part thereof that was sold, which shall be entered upon the record of sewer and water liens book as kept by said auditor.

Return to
auditor.

In case land not
redeemed in
one year.

SEC. 20. If the lands so sold as aforesaid are not redeemed within twelve (12) months, then the said chairman shall make to the purchaser or purchasers a deed in fee simple for the

said lands or the interests thereof so sold as aforesaid, and the said deed shall operate to convey to the purchaser and his heirs the title to the said land in fee simple: "Provided, however, that the owner of any land subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all of said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

Proviso:
privilege of
paying
assessments.

SEC. 21. The installments of the assessments hereinbefore mentioned, or any part of same, may be assigned and transferred by said county either absolutely or conditionally, as to the board of county commissioners may seem best.

Assignment and
transfer.

SEC. 22. When any land or right-of-way within the limits of said county shall, in the opinion of the board of county commissioners thereof be required for the purpose of laying sewer pipes, water pipes, making manholes or for any other purpose connected with the successful operation of such sewer system, water system, or systems, and the owners of such property and the said board of county commissioners cannot agree as to the damage by reason thereof the same shall be condemned, and benefits and damages assessed and collected therefor in the manner as hereinbefore described for disagreement with property owners with reference to special benefits.

Damages.

SEC. 23. The board of commissioners of Buncombe County are hereby fully authorized and empowered to acquire and take over any existing line or lines of water or sewer pipes or any water or sewer system belonging to any person, firm or corporation in Buncombe County. And in the event the said commissioners are unable to agree with the owners of any such line or lines of water or sewer pipes, or water and sewer systems as to the purchase price therefor. Then it shall be lawful for the said board of commissioners to proceed to condemn the same, under the same rules and regulations as hereinbefore contained for the condemnation of rights-of-way: *Provided, however,* that no water or sewer lines belonging to any incorporated city or town or school district shall be condemned under this act.

Commissioners
authorized
acquire water
pipes, etc.

Disagreement.

Proviso: water
lines, etc.,
belonging
incorporated
town.

SEC. 24. No water or sewer pipes or water or sewer systems shall be built or constructed by the commissioners of Buncombe County until a petition therefor has first been presented to and filed with said board signed by the property owners representing a majority of the lineal feet abutting or along the line or lines proposed to be constructed.

Petition to be
filed by board.

SEC. 25. That the governing body of any municipality within the county of Buncombe be and is hereby authorized and em-

Governing body
authorized enter
into contracts.

powered to enter into any and all contracts which they deem advisable or necessary for the furnishing of a supply of water to the county of Buncombe upon application by the board of commissioners of said county, and the board of commissioners of the county of Buncombe be and they are hereby authorized and fully empowered to enter into any contract which they deem advisable and necessary with the governing body of any municipality within the said county or any person, firm or corporation for the purpose of furnishing water for the use of said county under the provisions of this act.

Rules for
maintenance
lines.

SEC. 26. That the board of commissioners of said county be and are hereby authorized and empowered to make all necessary rules and regulations for the operation and maintenance of any system or systems of water pipes, sewerage and sewerage pipes, and to establish rates or charges for the connection to and use of such water pipes, sewerage and sewerage pipes, and any person violating any of the rules and regulations duly prescribed by said board shall be subject to a fine of not more than fifty dollars (\$50) or imprisonment for a period not exceeding thirty (30) days.

Violation
misdemeanor;
penalty.

Commissioners
authorized
borrow money;
further powers.

SEC. 27. In order to carry out the provisions of this act and in anticipation of the collection of the assessments hereinbefore mentioned, the said board of commissioners of Buncombe County be and are hereby authorized and fully empowered to borrow such sums of money as may be necessary, and the sums so borrowed shall be upon the note or notes of said county and shall be known as assessment notes, and the assessments and liens hereinbefore created are hereby specifically appropriated for the punctual payment of such note or notes and the holders of such note or notes shall have full power and authority in case of default of the principal or interest of said note or notes, to cause the said property to be sold in the manner hereinbefore mentioned for the payment of said liens, and the purchasers or holders of said note or notes are hereby subrogated to all the rights and interest in such liens in the manner in which the same are vested in the said board of commissioners: *Provided, however,* that such note or notes issued by the said board shall be secured by the liens hereinbefore mentioned. Said note or notes shall bear interest at not more than the legal rate, and the said board is authorized and empowered to pay any sum so borrowed and the interest on same when the same may become due out of any funds for which a tax levy has been made for general purposes, or from revenue derived from the operation of the system or systems herein provided for, or from the amounts of any special benefit

or enhanced value and the pro rata part of said costs and expenses hereinbefore provided for.

SEC. 28. The notes hereinbefore mentioned, shall be made payable in not less than five (5) substantially equal annual installments, the last of which shall become due not less than five and one-half (5 ½) years after the issuance of same. All moneys derived from the collection of assessments upon which such assessment notes are predicated, collected after the passage of the resolution authorizing such notes, shall be placed in a special fund, to be used only for the payment of the principal and interest of assessment notes issued under this act. The amount of the assessments for two or more improvements may be included in a single issue of assessment notes.

Payment of notes.

SEC. 29. That in addition to the powers hereinbefore granted, said board shall have all the power and authority vested in the governing body of any municipality with reference to the construction of and maintaining of sewer and water systems.

Additional powers.

SEC. 30. The provisions of this act shall not be affected by any condition, limitation or restriction of any other act of the General Assembly, either general, special or local except an act expressly referring to this act.

Provisions of this act not affected by any other act.

SEC. 31. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 32. This act shall be in force from and after its ratification.

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 136

AN ACT TO VALIDATE THE ACTS OF ROBERT C. WARLICK AS DEPUTY CLERK OF SUPERIOR COURT OF ONSLOW COUNTY.

Whereas, on the twenty-fifth day of March, one thousand nine hundred and eighteen, Robert C. Warlick was duly appointed deputy clerk of the Superior Court of Onslow County under sections two and three, chapter two hundred and thirty-five, Public Laws, one thousand eight hundred and ninety-nine, by N. A. Burton, the duly elected, qualified and acting clerk of the Superior Court of Onslow County; and

Preamble.

Whereas, the said Robert C. Warlick duly qualified under said appointment and has performed certain acts by reason of said office; and

Preamble.

Preamble. Whereas, the said N. A. Burton has continued in the office of clerk of the Superior Court of Onslow County, having been re-elected since the appointment of the said Robert C. Warlick; and

Preamble. Whereas, the said Robert C. Warlick has acted as said deputy since his appointment on the twenty-fifth day of March, one thousand nine hundred and eighteen, by reason of authority of said law continuing a deputy so appointed during the pleasure of the clerk making the appointment: Now, therefore,

The General Assembly of North Carolina do enact:

Acts validated. SECTION 1. That the acts of Robert C. Warlick, as deputy clerk of the Superior Court of Onslow County since the twenty-fifth day of March, one thousand nine hundred and eighteen, be and the same are hereby approved and ratified and made valid in all respects.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 137

AN ACT TO REQUIRE OFFICERS OF SURRY COUNTY TO GIVE BOND IN AN INDEMNITY OR GUARANTY COMPANY.

The General Assembly of North Carolina do enact:

Officers required to give bond. SECTION 1. That all officers of Surry County who are required to give bond in lieu of personal security are required to give as security for said bond and for the performance of the duties named in said bond, any indemnity or guaranty company authorized to do business in the State of North Carolina, subject to such requirements as the board of commissioners may prescribe: *Provided*, that the board of commissioners of Surry County shall pay the premium for such bonds.

Proviso: commissioners to pay premium.

Application of act. SEC. 2. That this act shall apply to all official bonds to be executed on and after the first Monday in December, one thousand nine hundred and twenty-six.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 138

AN ACT TO PROVIDE FOR THE TREASURER OF THE COUNTY OF SURRY TO PAY THE INTEREST ON BONDS ISSUED FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF THE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the interest on all bonds issued by the county of Surry for the construction and improvement of the public roads of the county shall be paid by the treasurer of Surry County.

Interest paid to treasurer.

SEC. 2. That the sheriff of Surry County shall pay to the treasurer of Surry County so much of the taxes levied and collected for the construction and improvement of public roads as may be necessary to pay the interest on all of the bonds issued by the county of Surry for the construction and improvement of the public roads of the county.

Payment of sheriff to treasurer.

SEC. 3. That this act shall take effect on and after its ratification.

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

Conflicting laws repealed.

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 139

AN ACT TO AMEND THE COUNTY COURT BILL OF PITT COUNTY, SESSION 1915.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter six hundred and eighty-one, the acts of one thousand nine hundred and fifteen, Public-Local Laws, be amended by striking out the word "Monday" and inserting in lieu thereof the word "Tuesday."

Amendment.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 140

AN ACT TO REPEAL CHAPTER 443, PUBLIC-LOCAL LAWS OF 1923, RELATIVE TO COLLECTION OF TAXES IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That all of chapter four hundred and forty-three, Public-Local Laws of one thousand nine hundred and twenty-three, relative to the collection of taxes in Hoke County, be and the same is hereby repealed, except section one thereof.

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

Conflicting
laws repealed.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 141

AN ACT TO CREATE THE OFFICE OF PURCHASING AGENT, TAX SUPERVISOR, AND BOOKKEEPER FOR SURRY COUNTY.

The General Assembly of North Carolina do enact:

Offices created.

SECTION 1. That the office of purchasing agent, tax supervisor, and bookkeeper for Surry County is hereby created; and the salary for said office shall be twenty-four hundred dollars per annum, payable in monthly installments of two hundred dollars each. The said official herein provided for shall furnish bond in some bonding company in the sum of fifty thousand dollars, payable to the State of North Carolina, conditioned that he shall diligently, truly, and faithfully perform all the duties of his office, and that he shall be responsible for all penalties and all moneys of other kind which may be recoverable against him for any negligence, default, malfeasance, or misconduct in office, premiums of said bonds to be paid by said county.

Duty of officer.

SEC. 2. That it shall be the duty of the said officer to make out one copy of the tax list of each township as a permanent copy and to deliver the original copy to the sheriff or tax collector of said county, and to perform all duties now or hereafter required by law in regard to making out the tax list of Surry County. He shall make out and prepare for publication all annual statements required by law of the different officers of the county; to investigate and inquire into all delinquent property

including polls, to be placed on the tax list; to keep a record of all real estate transferred, with prices paid for same, and to instruct tax-listers and assessors under the supervision and direction of the board of county commissioners of Surry County.

Further duties.

SEC. 3. That it shall be the duty of the said officer, under the direction of the board of county commissioners, to act as accountant for the county in settling with the county officers, to supervise, to scrutinize and examine at least once in every calendar month all books, accounts, receipts, and vouchers, and other records of all county officers. Said officer shall also examine the books and accounts of county commissioners, the highway commission, the county board of education, keeper of the common jail, and every other institution and department to which the county contributes funds.

SEC. 4. That all persons or parties holding claims against the county, the highway commission, board of education, or any other institution in the county to which the tax money of the citizens is appropriated or paid, shall file their claims with this officer at least ten days before the payment shall be made, and payment shall not be made until the said claim is marked, "Allowed by the board of county commissioners": *Provided*, that the board of county commissioners may in their discretion delegate to this officer said authority and the said officer is hereby authorized to administer oaths, on the verification of all claims, if he shall deem it necessary.

Claims to be filed.

Proviso: administration of oaths.

SEC. 5. That the said officer, under the direction of the board of county commissioners, shall open a set of books which shall be kept in an accurate and intelligent manner, with an account for each county officer, the highway commission, board of education, and the common jail. The accounts with county officers shall show the monthly receipts of fees, fines, commissions, and forfeitures, and the disbursements of the respective officers. The accounts of the highway commission, board of education, and the common jail shall show receipts and disbursements. The said officer shall at least twice annually examine the dockets of the justices of the peace of said county: *Provided*, that the board of county commissioners may in their discretion relieve the said officer of the performance of this duty of examining the dockets of the justices of the peace. The books of this officer shall always be kept open to public inspection.

Book of accounts of county officers.

Examination of dockets.

Open to public inspection.

SEC. 6. That it shall be the duty of this officer, under the direction of the board of county commissioners, to act as general purchasing agent for any or all of the county departments or institutions under rules and regulations to be prescribed by the board of county commissioners.

Duty as purchasing agent.

Commissioners
to procure audit.

SEC. 7. That the board of county commissioners is hereby authorized, in their discretion, to procure an audit of the various officers, institutions and departments of the county as often as once a year, and to pay for same out of any available funds at their command.

Office.

SEC. 8. That the board of county commissioners shall provide an office for such officer and shall furnish said office with such furniture, stationery and books as shall be necessary to conduct said office in accordance with the provisions of this act.

Treasurer.

SEC. 9. That said officer is hereby appointed as treasurer of the said county, clothed with all of the powers and authority and the performance of all duties and subject to all liabilities and penalties provided for in chapter twenty-six of the Consolidated Statutes for county treasurers, and that no additional compensation shall be allowed said officer for the performance of said duties.

Payment of
clerical
assistance.

SEC. 10. That the board of county commissioners shall in their discretion provide and pay for such clerical assistance and legal advice and counsel as the said officer may need and require to aid him in carrying out the provisions of this act: *Provided*, all contracts for legal services shall first be submitted to and approved by the board of county commissioners.

Term of office.

SEC. 11. That the officer herein provided for shall be appointed by the Governor of North Carolina for a term of two years from the first Monday in December, nineteen hundred and twenty-six, and until his successor is appointed and qualified: *Provided*, that the expiration of the term of office herein fixed or in case of death, resignation or removal for cause upon charges preferred, as above provided, it shall be the duty of the Governor of North Carolina to appoint a successor.

Proviso:
appointment
of successor.

SEC. 12. That the office of county treasurer is hereby abolished.

Office of county
treasurer
abolished.

SEC. 13. That this act shall take effect from and after the first Monday in December, nineteen hundred and twenty-six.

Date of effect.

Conflicting
laws repealed.

SEC. 14. That all laws in conflict with the provisions of this act are hereby repealed.

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 142

AN ACT TO PERMIT GUILFORD COUNTY TO VOTE ON THE QUESTION OF AN EIGHT MONTHS SCHOOL TERM.

The General Assembly of North Carolina do enact:

SECTION 1. The county board of education of any county in North Carolina is hereby authorized to provide an eight months school term in every public school district in the county and the board of county commissioners shall levy annually hereafter a tax sufficient to run all the public schools in the county for the said eight months term and provide the other necessary operating expenses in accordance with this act and the said tax shall be levied and collected annually on all real and personal property and polls in the said county, observing the constitutional ratio and the constitutional limitation on poll tax.

Eight months school term authorized.

Annual tax.

Purpose of.

Collection of.

SEC. 2. The county board of education shall adopt a salary schedule for the county and the said schedule may be in excess of that adopted by the State: *Provided*, the increase shall be uniform and consistent with trading experience and ability. The county board of education shall submit annually to the board of county commissioners a budget based on a term of eight months in accordance with the law that now requires the county board of education to submit a budget for six months and the board of county commissioners shall levy a tax sufficient to raise the amount required in the budget.

To adopt salary schedule.

Proviso: uniform increase.

Budget.

SEC. 3. The county board of education shall assume all indebtedness bonded and otherwise existing at the time of the ratification of this act of the special tax districts and the special charter district of the county and the annual amount necessary to provide for this indebtedness shall be included in the annual budget submitted to the county commissioners. *Provided*, that if any indebtedness to be assumed by the county board of education under this act is other than bonded indebtedness, then the county board of education is hereby authorized to execute notes or issue bonds in order to liquidate said indebtedness.

Board of education to assume all indebtedness.

Proviso: other than bonded indebtedness.

SEC. 4. The special charter districts and the local tax districts of the county shall be permitted to retain such part of the special tax heretofore authorized as may in the discretion of the local school board be necessary for the said local tax districts and the special charter districts to extend the school term beyond the eight months and to provide for school activities not embraced in the budget of the county board of education for operating the schools for a term of eight months.

To retain part of special tax.

Purpose.

Does not
interfere with
school
organizations.

SEC. 5. This act shall not interfere in any way with the organization of the schools provided for in the general law and the special charter districts shall have the privilege of extending their limits in the manner now provided in the general law and neither the government nor the special taxes heretofore authorized by the special charter districts is to be interfered with by the operation of this act.

Expenses
included in
budget.

SEC. 6. All items of expense for operating schools for a term of eight months shall be included in the budget submitted to the board of county commissioners by the county board of education in accordance with the law which now exists in regard to the expenses of the schools for a term of six months. The amount apportioned to the special charter districts out of the operating and equipment fund after deducting the items specified in the general school law shall be on the same basis as is provided in the general school law.

Approval of
voters.

SEC. 7. This act shall not be effective nor any of the provisions nor stipulations thereof until it shall be approved by a majority of the qualified voters of the county. Upon a written request of the county board of education of any county in North Carolina, the board of county commissioners shall call an election and after thirty days notice, said notice to be published at least once a week during the thirty-day period, and such other notices as the board of county commissioners shall determine, submit to the qualified voters of the whole county the question whether there shall be levied and collected annually a tax sufficient to run all the public schools of the county for a term of eight months in accordance with the provisions in this act. The board of county commissioners shall order a new registration, appoint registrars and judges of election, designate precincts and the election shall be conducted as near as may be according to the laws governing elections. Those who favor the levy and the collection of this tax shall vote a ballot on which shall be written or printed, "For an eight months school term," and those who oppose shall vote a ballot on which shall be written or printed, "Against an eight months school term." The registrars and judges of election shall report to the board of county commissioners, who shall canvass same, declare the result and spread the same upon the minutes of the board of county commissioners. If a majority of the qualified voters at said election shall vote in favor of an eight months school term then this act shall be in full force and effect; otherwise all of its provisions shall be of no effect.

Notice of
election.

New registration.

"For eight
months school
term."

"Against
eight months
school term."

In re favorable
vote.

Expenses of
election.

SEC. 8. The expenses of holding the election provided for in this act shall be paid out of the general school fund of the county.

SEC. 9. This act shall apply to Guilford County only.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification.

Ratified this the 21st day of February, A.D. 1925.

Application
of act.
Conflicting
laws repealed.

CHAPTER 143

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF HENDERSON COUNTY TO REIMBURSE THE FLETCHER LUMBER AND MILLING COMPANY FOR CERTAIN LOSSES SUSTAINED IN THE BUILDING OF A SCHOOLHOUSE AT EAST FLAT ROCK, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Henderson County be and is hereby authorized, empowered, out of the general operating and equipment fund of Henderson County, to reimburse the Fletcher Lumber and Milling Company to the amount of five thousand seven hundred and twenty-three dollars lost by said company in the erection of a schoolhouse at East Flat Rock, North Carolina, by reason of a misunderstanding between the said Fletcher Lumber and Milling Company and the said board of education in the contract made by and between them for the erection of the said school building in the year one thousand nine hundred and twenty-three.

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

Ratified this the 21st day of February, A.D. 1925.

Fletcher Lumber
and Milling
company
reimbursed.

CHAPTER 144

AN ACT TO AMEND CHAPTER 235 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1919.

The General Assembly of North Carolina do enact:

SECTION 1. That line nine of section twenty-two of chapter two hundred and thirty-five of the Public-Local Laws of the session nineteen hundred and nineteen be amended as follows: That the words "forty cents," in line nine, be stricken out and that the following words be inserted: "not to exceed fifty cents."

Amendment.

Conflicting
laws repealed.

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

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

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 145

AN ACT TO AMEND CHAPTER 419 OF THE PUBLIC-LOCAL LAWS OF 1913.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter four hundred and nineteen of the Public-Local Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end thereof the following:

Proviso: clause
of amendment.

“(1) *Provided however*, that the clerk of the Superior Court of Rowan County shall be entitled to and shall not be held accountable for commissions arising from receiverships where he acts as a receiver, but in these cases he shall be entitled to such compensation personally as shall be allowed by the judge of the Superior Court.”

Second
amendment.

“(2) And he shall also be entitled to the commissions allowed by law in cases where funds for nonresidents and minors under chapter three thousand nine hundred and three (last paragraph), Public Laws of one thousand nine hundred and nineteen, provided said funds are put out and invested at interest by him.”

Conflicting
laws repealed.

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

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

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 146

AN ACT TO CHANGE THE METHOD OF COMPENSATION OF THE REGISTER OF DEEDS, THE CLERK OF THE SUPERIOR COURT, AND THE SHERIFF OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Compensation
clerk of court.

SECTION 1. That from and after the ratification of this act the register of deeds and the clerk of the Superior Court of Cherokee County shall receive as compensation for the services rendered

by their offices the fees now allowed by the Consolidated Statutes to the register of deeds and to the clerk of the Superior Court of said county.

SEC. 2. That from and after the ratification of this act the sheriff of Cherokee County shall receive as compensation for the services rendered by his office two per cent of the amount of taxes collected by his office and the fees now allowed by law for the service of processes and summons: *Provided*, that the sheriff holding office during the year one thousand nine hundred and twenty-four and who now has in his hands the one thousand nine hundred and twenty-four tax books shall be entitled to receive as compensation two per cent of the taxes collected by said sheriff on the one thousand nine hundred and twenty-four tax books.

Compensation
sheriff.

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

Conflicting
laws repealed.

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

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 147

AN ACT TO PROVIDE FOR BETTER LAW ENFORCEMENT IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That a law enforcement board of Catawba County be and is hereby created.

SEC. 2. That the sheriff, chairman of the board of county commissioners, and the clerk of Superior Court of Catawba County be and are, by virtue of their offices, members of the law enforcement board of Catawba County, and as such members constitute said board.

Law enforcement
board; members.

SEC. 3. That the sheriff shall be the chairman and the clerk of the Superior Court shall be secretary and treasurer of the aforesaid board.

Sheriff
chairman, etc.

SEC. 4. That the law enforcement board has power and authority to employ and assign any person, other than a salaried officer of the county, to make investigations of any alleged criminal acts, of which the board or any member thereof shall receive any knowledge, information, or report; and the person so employed or assigned shall receive such compensation, to be paid out of the fund hereinafter mentioned as said board shall determine.

Authority of
board.

- Investigations. SEC. 5. That the chairman of the law enforcement board, upon receiving information that a crime has been or is being committed and the law enforcement board is not then in session, may, when he deems it advisable, immediately assign one or more deputy sheriffs or other nonsalaried officers to make a prompt and thorough investigation; and the person or persons so assigned shall receive the same compensation as he would have received if the assignment had been made by the board.
- Regular meetings. SEC. 6. That the law enforcement board shall hold a regular meeting on the second Monday of each month; and a special meeting can be called by order of the chairman.
- Report. SEC. 7. That the chairman of the law enforcement board shall report at each meeting of the board any and all assignments he has made, since the last meeting, under the provisions of section five hereof.
- Statements to be filed. SEC. 8. That any person assigned to make investigations shall file with the law enforcement board an itemized, verified statement, showing the expenses incurred and the time devoted to the case.
- Compensation. SEC. 9. That the compensation fixed by the board shall not be conditioned upon the conviction of the person or persons charged with the crime investigated.
- Upon conviction. SEC. 10. That upon conviction of any person in the Superior Court of Catawba County, there shall be taxed and collected as a part of the cost the following items: (a) Cases in which the punishment cannot exceed fifty dollars fine or thirty days in jail, the sum of two dollars; (b) other misdemeanors, excepting those of a secret nature, the sum of five dollars; (c) felonies other than those of a secret nature, the sum of ten dollars; (d) arson, burglary, larceny, violation of the prohibition laws, secret assault, fornication and adultery, and other crimes generally committed in secret, the sum of twenty-five dollars.
- Collection upon conviction. SEC. 11. That the cost so taxed and collected shall be the funds of the law enforcement board of Catawba County; and shall be by it used as hereinbefore stated.
- Funds. SEC. 12. That the law enforcement board of Catawba County does not have power and authority to create any debt or obligation to be paid out of any funds of the county, other than those received under the provisions of section ten.
- Board does not have power create debt.
- Capture of still. SEC. 13. That the board of county commissioners of Catawba County shall pay to any officer, other than a salaried officer of the county, the sum of twenty dollars for each still captured by said officer and by him delivered to the sheriff of Catawba County.
- Intoxicating liquors captured. SEC. 14. That all intoxicating liquors captured by the officers of Catawba County shall be delivered to the sheriff, who shall make a memorandum showing the date and amount and there-

upon destroy the liquors in the presence of at least one other member of the law enforcement board.

SEC. 15. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 16. That this act shall be in force and effect from its ratification.

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 148

AN ACT APPOINTING MEMBERS OF THE COUNTY BOARD OF EDUCATION FOR FRANKLIN COUNTY AND REGULATING THE TERM OF OFFICE OF THE MEMBERS OF THE SAID COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Franklin County shall consist of five (5) members, nominated and elected as provided in part eleven, chapter one hundred and thirty-six, Public Laws of North Carolina, session one thousand nine hundred and twenty-three, except as herein after provided. Members board of education.

SEC. 2. T. H. Dickens and A. F. Johnson are hereby appointed members of the said county board of education for a term of six (6) years, or until their successors are appointed and qualified, beginning the first Monday in April, one thousand nine hundred and twenty-five. J. H. Joyner and W. A. Mullen are hereby appointed members of the said county board of education for a term of four (4) years, or until their successors are appointed and qualified, beginning the first Monday in April, one thousand nine hundred and twenty-five, and E. L. Green is hereby appointed a member of the said county board of education for a term of two (2) years, or until his successor shall be appointed and qualified, beginning the first Monday in April, one thousand nine hundred and twenty-five. Appointments.

SEC. 3. The term of office of all members of said county board of education hereafter appointed to succeed the members above named, or their successors, shall be for a period of six (6) years from the date of appointment and qualification, or until their successors are appointed and qualified, provided the term of office of any person appointed to fill out the unexpired term of any member of said county board of education shall be for such unexpired term only. Terms of office.

Conflicting
laws repealed.

SEC. 4. That all laws and clauses of laws in so far as they affect Franklin County in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 149

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF EDUCATION OF STANLY COUNTY FROM 3 TO 5 AND TO APPOINT MEMBERS THEREOF.

The General Assembly of North Carolina do enact:

Additional
members board
of education.

SECTION 1. That in addition to the two members of the board of education of Stanly County, whose term of office does not expire the first Monday in April, one thousand nine hundred and twenty-five, the following additional members are hereby appointed: G. U. Reeves for a term of six years; W. A. Hough for a term of four years; M. D. Brooks for a term of two years. All of said terms to begin the first Monday in April, one thousand nine hundred and twenty-five.

Terms of
office.

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

Conflicting
laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 150

AN ACT TO PROVIDE A SCHOOL COMMITTEE OF 5 MEMBERS FOR THE ELKIN SCHOOL DISTRICT OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

School
committee.

SECTION 1. That the school committee of the Elkin school district of the town of Elkin, Surry County, shall be composed of five members, to be appointed by the board of town commissioners of the town of Elkin, upon the ratification of this act. One member of the school committee so appointed shall serve for a term of six years, two members shall serve for a term of four years each, and the remaining two members shall serve for a term of two years each. The board of town commissioners of

the town of Elkin at the time of making the appointments shall designate which members of the school committee shall serve respectively for terms of two, four, and six years. It shall be the duty of the board of town commissioners of the town of Elkin to fill unexpired vacancies in the school committee and upon the expiration of any term of office to appoint a successor in office.

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 from and after its ratification.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 151

AN ACT TO REPEAL CHAPTER 4, PUBLIC-LOCAL LAWS, 1923, RELATIVE TO THE BOARD OF EDUCATION OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed.

SEC. 2. That the board of education of Transylvania County shall consist of three members only, who shall be selected as now provided for by section five thousand four hundred and twelve of the Consolidated Statutes of North Carolina, who shall hold their office for a term of two years and until their successors are elected and qualified.

SEC. 3. That the said members of the board of education so selected shall meet and qualify on the first Monday in April, one thousand nine hundred and twenty-five, and shall after such qualification organize by electing a chairman and other necessary officers of said board.

SEC. 4. That the members of said board shall receive the sum of four dollars per day for each day or fractional part of a day when in actual service and shall also receive mileage at the rate of ten cents per mile, one way, by the most direct and convenient way from their respective homes to the office of the said board: *Provided*, that if it shall become necessary for any member or members of said board to go out of the county on business for or connected with the board, actual traveling expenses and hotel bills shall be paid such member or members in addition to the four dollars per diem herein provided for.

Conflicting
laws repealed.

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

SEC. 6. That this act shall be in force from and after the first Monday in April, one thousand nine hundred and twenty-five.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 152

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF HENDERSON COUNTY TO REIMBURSE THE FLETCHER LUMBER AND MILLING COMPANY FOR CERTAIN LOSSES SUSTAINED IN THE BUILDING OF A SCHOOLHOUSE AT EAST FLAT ROCK, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Board of
education
authorized
reimburse
Fletcher Lumber
and Milling
company.

SECTION 1. That the board of education of Henderson County be and it is hereby authorized, empowered and directed, out of the general operating and equipment fund of Henderson County, to reimburse the Fletcher Lumber and Milling Company to the amount of five thousand seven hundred and twenty-three dollars lost by said company in the erection of a schoolhouse at East Flat Rock, North Carolina by reason of a misunderstanding between the said Fletcher Lumber and Milling Company and the said board of education in the contract made by and between them for the erection of the said school building in the year one thousand nine hundred and twenty-three.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 153

AN ACT TO REPEAL CHAPTER 189, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924, RELATING TO THE BOARD OF EDUCATION OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter one hundred and eighty-nine of the Public-Local Laws of the extra session, one thousand nine hundred and twenty-four be and the same is hereby repealed. But the two additional members therein appointed shall serve out the unexpired parts of their terms.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 154

AN ACT TO AMEND CHAPTER 46, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1921, SO AS TO PROVIDE ADDITIONAL COMPENSATION FOR DEPUTIES AND CLERICAL ASSISTANTS IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter forty-six of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the words, "Thirty-two hundred dollars per annum for the payment of the salaries of his two deputy clerks," in lines six and seven of said section, and inserting in lieu thereof, "Fifty-three hundred and forty dollars per annum for the payment of the salaries of his deputy clerks and clerical assistants." Amendment.

SEC. 2. That at the expiration of each calendar month a voucher shall be drawn in favor of the clerk of the Superior Court for such deputy and clerical hire and upon presentation of said voucher to the treasurer of the county it shall be the duty of the said treasurer to issue a check to each deputy, clerk or assistant individually, for the amount to which they may be entitled to receive for said month. Compensation certain county officers.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 155

AN ACT TO FIX SALARIES FOR PUBLIC OFFICERS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Orange County may appoint one or more deputies in each township in the county, except in Sheriff to appoint deputies.

Hillsboro Township, which is 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.

Fees, etc., to be turned over to treasurer.

SEC. 2. All other fees, commissions, profits and emoluments of all kinds 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 said county, to be disposed of as hereinafter provided.

Appointment of jailer; compensation.

SEC. 3. That the sheriff shall appoint a jailer whose compensation shall be fixed by the board of county commissioners and paid by them.

Compensation sheriff.

SEC. 4. That said sheriff shall receive a salary of three thousand dollars per annum in lieu of all other compensation whatever, and shall appoint one deputy for Hillsboro Township at such salary as the board of county commissioners shall determine, said salary not to exceed fifteen hundred dollars per annum: *Provided, however,* this act shall not prevent said sheriff from appointing other deputies in Hillsboro Township, but all fees made and collected by such extra deputy or deputies from serving summons, subpoenas, notices and processes of all kinds, except for arrest, in Hillsboro Township shall be collected by such deputy and turned over to the treasurer of said county to be disposed of as hereinafter provided. That said sheriff shall also appoint one deputy sheriff for Chapel Hill Township who shall reside in the town of Carboro or Chapel Hill during the term in which he holds office, and who shall receive in addition to the fees of the office such additional compensation not exceeding fifty dollars per month as the board of county commissioners may determine. That the salary of the sheriff and such salaries as may be allowed deputy sheriffs under this act shall be paid by the county out of the funds herein created.

Appointment of deputies.

Transfer of funds by clerk of court and register of deeds.

SEC. 5. That the clerk of the Superior Court and the register of deeds of said county shall faithfully collect, account for, and turn over to the treasurer of said county all commissions, fees, profits, and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to them by virtue of their office, except that all sums allowed as fees in cases where the clerk is now, or may hereafter be appointed receiver of the estate of minors or persons non compos mentis shall belong to the clerk personally and shall not be entered in the salary fund of the county.

Compensation clerk of court.

SEC. 6. That the clerk of the Superior Court shall receive a salary of two thousand dollars per annum in lieu of all other compensation except provided in the preceding section. That

the clerk shall appoint a deputy clerk who shall receive such salary as may be determined by the clerk not to exceed nine hundred dollars per annum.

SEC. 7. The register of deeds of said county shall receive a salary of sixteen hundred dollars per annum in lieu of all other compensation whatever: *Provided*, the county commissioners may, in their discretion, allow additional compensation for making the tax books required by law, to amount not exceeding three hundred dollars, or employ some other competent person to do the work with a like limitation of compensation. 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 register of deeds not to exceed nine hundred dollars per annum.

Compensation
register of deeds.

SEC. 8. The treasurer shall receive a salary of twelve hundred dollars per annum in lieu of all other fees and commissions received by virtue of said office.

Compensation
treasurer.

SEC. 9. 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 on the first Monday of each month covering the preceding month. That the treasurer shall also pay from the said fund the premium on the official bonds of the sheriff, the clerk of the Superior Court, the register of deeds and the treasurer, where said bonds are given by some bonding company, but it is hereby expressly provided that the board of county commissioners shall have the right to decide in their discretion whether they will require the above-named officers to give bonds in a bonding company, or whether they will accept bonds signed by private citizens.

Payment of
salaries.

SEC. 10. That the officers hereinbefore mentioned shall faithfully perform all of the duties of their several 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 and penalties now or hereafter provided for failure to perform the duties of their several offices.

No extra
compensation.

SEC. 11. 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 shall audit the said books and diligently compare the same with

Fee book.

Open books. the books and papers in the office of each officer at the time of the settlement, to ascertain whether it is correct or not; and on the first Monday of each month shall post at the courthouse door, an itemized statement, showing the amounts received by him from each officer. 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.

Failure to turn funds over misdemeanor.

SEC. 12. Any officer hereinbefore mentioned who shall willfully fail or refuse to collect the full fee, commission, or emolument of any kind belonging to this office, or shall fail to turn over same to the county treasurer shall be guilty of a misdemeanor.

Separate fund.

SEC. 13. All moneys coming into the hands of the treasurer of Orange County by virtue of this act 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 bonds of sheriff, clerk of the court, and treasurer, in some bonding company, when directed by the board of commissioners, the balance of said fund shall semiannually be divided equally between the public school funds and the fund for public roads: *Provided*, if there is not sufficient money in the fund herein created to pay said monthly salaries at the time they become due, the commissioners may borrow temporarily the amount necessary from the general county fund.

Division of funds; proviso.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 15. That this act shall be in full force and effect on and after the first Monday in February, one thousand nine hundred and twenty-five.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 156

AN ACT TO REPEAL CHAPTER 137, PUBLIC-LOCAL LAWS, 1921, RELATIVE TO RURAL POLICEMEN FOR FOLK COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter one hundred and thirty-seven of the Public-Local Laws of one thousand nine hundred and twenty-one be and the same is hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 157

AN ACT TO PROTECT THE HIGHWAYS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to willfully operate upon the roads of Caswell County, when the roads are in a wet and boggy condition, trucks of one and one-half (1½) ton capacity, log wagons and traction engines. Limit weight trucks, etc.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall immediately repair the damage done, and in the event the repairs are not made immediately, then the road commission may have same made and recover the amount expended for such repairs from those responsible for the damage. Penalty for violation.

SEC. 3. That any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor and for the first and second offenses be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and for the third or subsequent offense shall be fined or imprisoned in the discretion of the court. Violation misdemeanor; penalty.

SEC. 4. That the board of road commissioners of Caswell County shall cause to be published at the courthouse door and generally distributed throughout the county copies of this act. Copies to be published.

SEC. 5. This act shall not apply to the roads built or maintained by the State Highway Commission. Application of act.

SEC. 6. This act shall apply to Caswell County only.

SEC. 7. 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 force from and after its ratification.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 158

AN ACT TO AMEND CHAPTER 294, PUBLIC-LOCAL LAWS, 1921, RELATIVE TO THE OFFICE OF THE SHERIFF OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and ninety-four, Public-Local Laws of nineteen hundred and twenty-one, be amended as follows:

Amendment
increasing salary
of sheriff from
\$3,200 to \$4,200
per year.

Conflicting
laws repealed.

Strike out the words "three thousand two hundred dollars" where they occur in said section and add in lieu thereof the words "four thousand and two hundred dollars."

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 159

AN ACT TO REPEAL CHAPTER 395, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1921, RELATING TO A HIGHWAY COMMISSION FOR THE COUNTY OF PAMLICO.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter three hundred and ninety-five, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby repealed.

Transfer of
funds.

SEC. 2. That all funds, moneys, properties, both real and personal, now in the hands of the highway commission of Pamlico County, be turned over to the county commissioners of said county.

Procedure.

SEC. 3. That the county commissioners of said county shall proceed under the laws of North Carolina, as provided in chapter twenty-four, Consolidated Statutes of North Carolina, to keep and maintain the roads of said county.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 160

AN ACT FOR RELIEF OF J. H. KRIDER, SHERIFF OF ROWAN COUNTY, AND W. H. CROWDER, TREASURER OF ROWAN COUNTY.

Preamble.

That whereas, it appears that J. H. Krider, as sheriff of Rowan County, and W. H. Crowder, as treasurer of Rowan County, had on deposit with the Peoples National Bank of Salisbury, North Carolina, certain sums of money belonging to the County of Rowan; and

Whereas, it appears that until the time of the failure of said bank it was universally regarded as a sound, reliable and solvent national banking institution; and

Preamble.

Whereas, it appears that said Peoples National Bank of Salisbury, North Carolina, failed on or about the fourth day of June, one thousand nine hundred and twenty-three; and

Whereas, it further appears that the said J. H. Krider, as sheriff of Rowan County, and W. H. Crowder, as treasurer of Rowan County, used such care, prudence and diligence in the preservation and safekeeping of the funds of Rowan County which were entrusted to him as careful and reasonably prudent men would have exercised under the circumstances: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said J. H. Krider, as the sheriff of Rowan County, and W. H. Crowder, as treasurer of Rowan County, both of Salisbury, North Carolina, be and they are hereby discharged and relieved from any liability to the county of Rowan which has or may hereafter result or accrue by reason of the failure of the said Peoples National Bank of Salisbury, North Carolina, as to any funds deposited by said J. H. Krider and W. H. Crowder in their official capacity as sheriff and treasurer respectively, and belonging to the county of Rowan which were on deposit with the said Peoples National Bank of Salisbury, North Carolina.

Officers discharged from liability.

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

Conflicting laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 161

AN ACT AUTHORIZING THE SHERIFF OF DUPLIN COUNTY TO PAY ANY FUNDS NOW IN HIS HANDS BELONGING TO THE ROCKFISH GOOD ROADS DISTRICT, DUPLIN COUNTY, TO D. S. WILLIAMS, D. H. WILLIAMS AND CARY ENNIS TO BE USED ON THE PUBLIC HIGHWAY IN SAID DISTRICT.

That whereas, a law was passed entitled, "An act to incorporate Rockfish Good Roads District," chapter two hundred and thirty-eight, Public-Local Laws of one thousand nine hundred and thirteen, which act authorized the issuance of bonds to

Preamble.

develop the public highways within said district in Duplin County; and

Preamble.

Whereas, under said act an election was held and bonds sold, all of which bonds have been paid off and discharged and there now remains in the hands of the sheriff of Duplin County about four hundred dollars belonging to said district;

The General Assembly of North Carolina do enact:

Sheriff authorized pay certain sums.

SECTION 1. That the sheriff of Duplin County be and he is hereby authorized and directed to pay such funds as he may now have in his hands, belonging to the Rockfish Good Roads District, to D. S. Williams, D. H. Williams and Cary Ennis, which fund is to be used by them in improving the highways of said good roads district; and that the receipt of the said D. S. Williams, D. H. Williams and Cary Ennis in the hands of said sheriff shall be and constitute a proper voucher in all settlements by him with the commissioners of Duplin County, or any other official, or person, who may have the right to request the sheriff to make settlement for said fund; and said D. S. Williams, D. H. Williams and Cary Ennis shall make written report of said fund to commissioners of Duplin County.

Payment of said sum to be repose of sheriff.

To make written report to county commissioners.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 162

AN ACT TO REPEAL CHAPTER 440 OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF 1921, WHICH AMENDED CHAPTER 118 OF THE PRIVATE LAWS OF THE SESSION OF 1919 PROHIBITING SALE OF CERTAIN DRINKS WITHIN HALF A MILE OF MOUNT GOULD LANDING IN BERTIE COUNTY ON THE DAY OF THE ANNUAL FARMERS UNION OR FARMERS ALLIANCE PICNIC ANNUALLY HELD THERE.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter four hundred and forty of the Public-Local Laws, session nineteen hundred and twenty-one, amending chapter one hundred and eighteen of the Private Laws of session nineteen hundred and nineteen be and the same is hereby in all respects repealed.

Chapter in effect.

SEC. 2. That chapter one hundred and eighteen, Private Laws of nineteen hundred and nineteen, be and the same as originally passed shall be and remain in full force and effect.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 163

AN ACT TO AMEND CHAPTER 328 PUBLIC-LOCAL LAWS, SESSION 1919, RELATING TO THE ROAD COMMISSIONERS AND THE PUBLIC ROADS OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter three hundred and twenty-eight, Public-Local Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out all of said section and by inserting in lieu thereof the following: Amendment.

“Section 1. That Charles H. Jenkins of Mitchells Township, W. T. Tadlock of Windsor Township, D. A. Askew of Colerain Township, E. D. Spruill of Indian Woods Township, A. Capehart of Roxobel Township, T. N. Peele of Woodville Township, W. R. Smith of Merry Hill Township, J. F. Taylor of Whites Township, and J. G. Bazemore of Snakebite Township, be and they and hereby appointed and constituted a board of road commissioners for Bertie County; that the term of all said commissioners shall commence on the first day of April, one thousand nine hundred and twenty-five, and shall continue until their successors are duly elected and qualified, as herein provided. That at the next regular election in the year one thousand nine hundred and twenty-six and biennially thereafter the qualified voters of each respective township shall name a candidate for said office of commissioner from said township in the primary to be held, and at said general election the qualified voters of each respective township only, shall elect said commissioner to succeed the commissioner then holding office on said board of commissioners from such township, to begin his term of office on the first Monday in December thereafter by taking the oaths of office; and that each of said commissioners of said board of commissioners shall perform the duties now prescribed for said board under existing laws. Each member of the board of road commissioners shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the Superior Court of Bertie County for the faithful performance of his duties as a member of said board. If for any reason, by failure to qualify, death, resignation, or otherwise, a vacancy shall Term of office of commissioners.
Regular election.
Oath of commissioners.
Filling of vacancies.

occur in said board, the clerk of the Superior Court of Bertie County shall fill such vacancy by appointing thereto a competent and discreet qualified elector of said township from which the vacancy occurs, and said appointee shall hold the office for the unexpired portion of the term for which he was appointed and until his successor is appointed and qualified.

Power to special committees.

"The said board of road commissioners may delegate any or all powers, authority and duties conferred upon them by said act, not inconsistent with their proper performance of the same, to special committees, or subcommittees, which said committees so designated and authorized by said board shall have full power and authority to act in as ample and complete a manner as the entire board is herein authorized."

Amendment.

SEC. 2. That section four of said chapter three hundred and twenty-eight be and the same is hereby amended by striking out all of said section after the word "office," in the ninth line from the end, and by inserting in lieu thereof the following: "and each member of the board of road commissioners shall receive as compensation for his services four dollars per day and mileage now allowed members of the board of county commissioners of said county for each and every day engaged in the performance of the duties of said board: *Provided*, the chairman of said board of road commissioners shall receive in addition thereto an annual salary of twenty-five dollars."

Proviso.

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 force and effect from and after its ratification.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 164

AN ACT TO REGULATE FEES CHARGED IN THE COUNTY COURT OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section thirteen of chapter one hundred and ten of the Public Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by adding after the last line thereon the following:

Provided, that in the county court of Craven County the fees to be taxed against any defendant who is convicted, or who confesses to his guilt, or upon whom judgment is suspended in said court, shall be the same as fees taxed against defendants in like cases tried in the Superior Court and that such fees so taxed

shall be in lieu of the fees provided in said section thirteen, chapter one hundred and ten, Public Laws of one thousand nine hundred and twenty-one, so far as the same relate to Craven County.

SEC. 2. That the fees heretofore taxed by the clerk of the county court of Craven County in excess of the fees provided in section thirteen, chapter one hundred and ten of the Public Laws of one thousand nine hundred and twenty-one be and the same are hereby validated and no person convicted in said court shall have the right hereafter to claim any return of said fees.

Fees in excess.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 165

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF ROAD COMMISSIONERS OF STANLY COUNTY TO ABOLISH THE CHAIN GANG IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of road commissioners of Stanly County may in its discretion, if deemed advisable by a majority vote of the entire board at any regular meeting thereof, abolish the chain gang in said county.

Commissioners authorized abolish chain gang.

SEC. 2. If such action is taken said board of road commissioners shall transfer such prisoners then serving sentence upon the public roads of Stanly County to some other county in the same judicial district upon such terms as may be agreed upon between said board of road commissioners of Stanly County and the proper authorities of the county receiving said prisoners. The transfer shall in no way affect the original sentence but shall be construed as a continuation thereof for the remainder of such sentence.

Transfer of prisoners.

SEC. 3. If said chain gang is abolished the board of road commissioners may dispose of any or all road machinery, stock, tools and equipment as to it may seem best, and the proceeds shall go to the road funds of the county of Stanly.

Disposal of road machinery.

SEC. 4. If said chain gang is abolished it shall be lawful for any court of competent jurisdiction in Stanly County to sentence persons convicted in said county to the public roads of any county in the same judicial district as Stanly: *Provided*, such other county shall pay the cost of such prisoner.

In re abolishment.

Proviso.

Conflicting
laws repealed.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 166

AN ACT TO REPEAL H. B. 252, S. B. 211, RATIFIED FEBRUARY 2, 1925, PROHIBITING SHOOTING IN A SUBURB OF ALBEMARLE KNOWN AS OAKWOOD PARK.

The General Assembly of North Carolina do enact:

House bill
repealed.

SECTION 1. That House bill two hundred and fifty-two, Senate bill two hundred and eleven, ratified the second day of February, one thousand nine hundred and twenty-five, prohibiting shooting in Oakwood Park, a suburb of Albemarle, North Carolina, be and is hereby repealed due to an error in said act.

Conflicting
laws repealed.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 167

AN ACT TO AMEND SECTION 7, CHAPTER 403, PUBLIC-LOCAL LAWS 1921, RELATING TO ROAD COMMISSIONERS OF STANLY COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That line fifteen of section seven, chapter four hundred and three, Public-Local Laws of nineteen hundred and twenty-one, be amended by striking out the word "fifteen," in said line, and inserting in lieu thereof the words "twenty-five."

Conflicting
laws repealed.

SEC. 2. All laws and clauses of laws in conflict herewith are repealed.

SEC. 3. That this act shall be in force from and after the second Monday in April, nineteen hundred and twenty-five.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 168

AN ACT TO AMEND CHAPTER 531 OF THE PUBLIC-LOCAL LAWS, REGULAR SESSION OF 1919, RELATING TO THE BOARD OF EDUCATION OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter five hundred and thirty-one of the Public-Local Laws of the regular session of one thousand nine hundred and nineteen be and the same is hereby amended by striking out all of said section one after the period and word "law," in line five of said section. Amendment so that members of board of education may all belong to same party.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 169

AN ACT TO APPOINT 2 NEW MEMBERS OF THE BOARD OF ROAD COMMISSIONERS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter five hundred and fifty-three of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out, in line three of said section, the words "W. H. Stearns and J. M. Miller for a term of two years" and by inserting in lieu thereof the following: "P. G. Morris of Tryon is hereby appointed road commissioner for Polk County for a term of four years and L. F. Steadman of Melvin Hill, North Carolina, is hereby appointed a member of said commission for a term of two years." Amendment.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 170

AN ACT TO AUTHORIZE IREDELL COUNTY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

- Bond issue authorized. SECTION 1. The board of county commissioners of Iredell County is authorized to issue, at one time or from time to time, not exceeding one million two hundred and fifty thousand dollars, negotiable bonds of said county for the purpose of constructing and improving public roads and bridges therein, and paying an indebtedness heretofore contracted for one or more of said purposes, which indebtedness is now evidenced by notes of the county now outstanding and maturing in one thousand nine hundred and twenty-five, in the principal sum of seven hundred thousand dollars.
- Purpose. SEC. 2. That said board of county commissioners is further authorized to issue, not exceeding fifty thousand dollars, negotiable bonds of said county for the purpose of paying and refunding a like amount of road improvement bonds of said county, maturing July first, one thousand nine hundred and twenty-six.
- Further bond issue authorized. SEC. 3. Said bonds shall bear interest at such rate, not exceeding six per cent per annum, payable semiannually, and shall mature at such time, or times, not more than twenty-five years from their respective dates, and the principal and interest thereof shall be payable in such medium and at such place or places as said board may determine; they shall be in coupon form, but may be made subject to registration as to principal alone, or as to both principal and interest, as may be determined by said board, which board shall also determine the method of executing said bonds and coupons.
- Rate of interest. SEC. 4. No sale of any of said bonds shall be made at less than par and accrued interest, not until a notice of the sale for receiving bids therefor shall have been published once at least ten days before said date in a newspaper published in said county, and also in a financial journal published in New York City. No other or further notice of sale shall be required, nor shall a vote of the electors be necessary to authorize the said bonds.
- Payment of interest. SEC. 5. The said board is hereby authorized and required to levy upon all taxable property in each year, after the issuance of any of the said bonds, a tax over and above all other taxes authorized or permitted by law sufficient to meet the payment of the principal and interest of said bonds at the maturity or maturities thereof, including a tax for a sinking fund for such payment of principal.
- Sale of bonds.
- Special tax.

SEC. 6. The powers granted by this act are in addition to existing powers of said county. Additional powers.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 171

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROWAN COUNTY TO APPROPRIATE CERTAIN MONEY TO THE SUPPORT OF THE ROWAN COUNTY PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Rowan County are hereby authorized to appropriate the sum of one hundred and fifty dollars (\$150) per month to the maintenance of the Rowan County public library now situated in the community building in the city of Salisbury.

Appropriation for maintenance county library authorized.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 172

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF O. W. HALE, NOTARY PUBLIC.

Whereas, a commission was duly executed, issued and delivered by the Governor of North Carolina on January 10th, one thousand nine hundred and twenty-four, to O. W. Hale, as notary public, in and for the county of Hertford, and State of North Carolina; and

Whereas, under said commission and without first having qualified as required by law, the said O. W. Hale proceeded to act as such notary public in taking acknowledgments, oaths, and otherwise performing the duties of said office and continuing to so act from time to time, from the tenth day of January, one thousand nine hundred and twenty-four, to the thirteenth day of February, one thousand nine hundred and twenty-five, without having theretofore qualified as such notary public; and Preamble.

Whereas, on the thirteenth day of February, one thousand nine hundred and twenty-five, the said O. W. Hale, before the clerk of the Superior Court of Hertford County, did qualify

under said commission as notary public aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

Notarial acts
validated.

SECTION 1. That all acknowledgments, proofs of execution, oaths or other notarial acts of the said O. W. Hale, a notary public of Hertford County, from the tenth day of January, one thousand nine hundred and twenty-four, to February thirteenth, one thousand nine hundred and twenty-five, are hereby validated: *Provided, however,* that nothing herein shall be construed as impairing vested rights, or any subject matter of litigation in any court.

Proviso: not to
impair vested
rights.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 173

AN ACT TO AMEND CHAPTER 96, PUBLIC LAWS 1909, FOR THE RELIEF OF THE TAX COLLECTOR FOR LOWER CREEK DRAINAGE COMMISSIONERS IN BURKE AND CALDWELL COUNTIES.

The General Assembly of North Carolina do enact:

Tax collector
authorized
collect arrears
of taxes.

SECTION 1. That the tax collector for Lower Creek drainage commissioners, authorized by provisions of chapter ninety-six, Public Laws of North Carolina, session one thousand nine hundred and nine, is hereby authorized and fully empowered to collect any and all arrears of taxes due under the provisions of said act as amended by chapter forty-six, Public-Local Laws one thousand nine hundred and eleven, for the years one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three.

Holder of
receipt.

SEC. 2. That no person shall be compelled to pay any tax to said district or collector under the provisions of section one of this act who holds the receipt of the tax collector for such taxes.

Additional
application.

SEC. 3. That the provisions of this act shall extend to and apply not only to the tax collector for said district, but also to any person who has been or may be appointed tax collector hereafter for said district, his agent, personal representative, or bondsman.

Date of
ceasing of
authority.

SEC. 4. That the authority given in the preceding sections shall cease and determine on and after the first day of April, one thousand nine hundred and twenty-six.

SEC. 5. That in all actions now pending or hereafter to be instituted for the collection of taxes under the provisions of said chapter ninety-six, Public-Laws of one thousand nine hundred and eleven, as amended, the introduction in evidence of a sworn itemized statement of the amount of taxes due to said district, verified by the oath of the collector for the time being, shall be prima facie evidence of the existence and legality of the taxes assessed against the party by such statement charged, as well as the amount of taxes due by such party.

Prima facie
evidence.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 174

AN ACT TO AMEND CHAPTER 125, OF PUBLIC AND PRIVATE LAWS, EXTRA SESSION, 1908, RELATING TO DISORDERLY CONDUCT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and twenty-five of Public and Private Laws of the extra session one thousand nine hundred and eight be amended by striking out the period at the end of section one and substituting a comma therefor and adding the following to the end of said section: "or any other public place in said county."

Amendment.

SEC. 2. That section two of said chapter one hundred and twenty-five of Public and Private Laws of one thousand nine hundred and eight be stricken out and the following substituted therefor:

Further
amendment.

"That any person violating provisions of this act shall be guilty of a misdemeanor, and shall upon conviction before any recorder or other court in said county, pay a fine not less than twenty-five dollars, and may in addition be sentenced to work on the public roads of said county, in the discretion of the court; and no recorder or other court shall have power to remit the fine or continue the prayer for judgment or suspend the sentence, unless said fine of twenty-five dollars shall first have been paid."

SEC. 3. That any person operating a motor vehicle, while intoxicated, upon the public highways of Robeson County, either in or out of incorporated cities or towns, shall be guilty of a misdemeanor, and upon conviction pay a fine of not less than one hundred dollars, and may in addition be imprisoned or sentenced to work on the public roads of said county, in the dis-

Operating motor
vehicle
intoxicated
misdemeanor;
penalty.

cretion of the court, and no recorder or other court shall have power to remit the fine herein provided for or suspend the sentence or continue the prayer for judgment, unless said fine shall first have been paid.

Conflicting
laws repealed.

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

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 175

AN ACT TO PROVIDE FOR DISCOUNTS AND PENALTIES IN THE COLLECTION OF TAXES IN GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Discount to
taxpayers.

SECTION 1. On all taxes paid or collected in Gaston County in the months of October and November, a discount shall be allowed and given to the taxpayers so paying said taxes in the month of October of two per cent (2%), and the month of November one per cent (1%), and such tax collector shall have credit for the amount of discount so allowed in the settlement of his taxes so collected.

Additional per
cent to be
added.

Failure to pay
county taxes.

SEC. 2. That upon failure or neglect of any person, firm or corporation to pay the county taxes due by such person, firm or corporation and to be collected by Gaston County by the first day of January of the year following in which such tax was listed or should have been listed, it shall be the duty of the tax collector to collect, in addition to such tax due as aforesaid, one per cent of such tax as a penalty for failure to pay such tax as aforesaid; and upon the failure of any such person, firm or corporation to pay said tax on or before the first day of February of the year following in which said tax was listed or should have been listed, it shall be the duty of such tax collector to collect, in addition to the tax aforesaid, two per cent of such tax, as a penalty for failure to pay said tax as aforesaid; and upon the failure of any such person firm or corporation to pay said tax on or before the first day of March of the year following in which said tax was listed or should have been listed, it shall be the duty of such tax collector to collect, in addition to the tax aforesaid, three per cent of such tax as a penalty for failure to pay such tax as aforesaid; and upon the failure of any such person, firm or corporation to pay said tax on

or before the first day of April of the year following in which said tax was listed, or should have been listed, it shall be the duty of such tax collector to collect, in addition to the tax aforesaid, four per cent of such tax as a penalty for failure to pay such tax as aforesaid.

SEC. 3. That all such penalties so collected as aforesaid shall be distributed and paid to the State and county as required by law.

Penalties collected.

SEC. 4. That nothing herein contained shall alter the law now in force fixing the time for the sheriff to settle his taxes.

Law in force not altered.

SEC. 5. That this act shall apply to only Gaston County.

Application of act.

SEC. 6. That all laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after the thirtieth day of September, one thousand nine hundred and twenty-five.

Date of effect.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 176

AN ACT TO PROVIDE FOR INCREASED PAY FOR JURORS IN THE SUPERIOR COURT OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all regular and tales jurors serving in the Superior Court or any county court which may be established in Buncombe County, shall be entitled to receive and shall be paid for their services three dollars per day and mileage at the rate of five cents per mile.

Compensation jurors \$3 per day and mileage.

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

Conflicting laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 177

AN ACT TO ALLOW LINCOLN COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lincoln County, North Carolina, be and they are hereby authorized

Special tax authorized.

and empowered to levy a special tax not to exceed thirty cents on the one hundred dollars valuation of property, real and personal, and other subjects of property subject to taxation in Lincoln County, annually, for three years, to wit: Nineteen hundred and twenty-five, nineteen hundred and twenty-six and nineteen hundred and twenty-seven, to be expended for the purpose of paying the indebtedness of the county.

Time of
collection.

SEC. 2. That said special tax shall be levied and collected at the same time as other taxes in the said county.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 178

AN ACT TO PROVIDE FOR THE ERECTION OF A NEW COUNTY HOME IN McDOWELL COUNTY AND TO AUTHORIZE THE COUNTY COMMISSIONERS TO SELECT AND PURCHASE A SITE FOR SAID NEW COUNTY HOME AND TO AUTHORIZE THEM TO SELL THE PRESENT COUNTY HOME PROPERTY.

The General Assembly of North Carolina do enact:

Commissioners
authorized
purchase site
new county
home.

SECTION 1. That the board of commissioners of McDowell County be and they are hereby authorized and empowered to purchase a site for a new county home for the aged and infirm at such place in McDowell County as they shall deem a proper and suitable place for such county home. That the said board of commissioners may elect and decide for such county home at any regular meeting of the board, or at any special meeting called for that purpose upon the vote of a majority of the board of commissioners as to the property to be purchased and the price to be paid therefor. That said board of commissioners may select and purchase such site for said county home without giving any notice thereof, and that they may select and purchase such site at any place in McDowell County which they shall deem for the best interests of the county; and for the purpose of acquiring a site of suitable size and location for the county home for the aged and infirm, in the event the board of commissioners is unable to acquire same by purchase and at a price satisfactory to them, they are hereby invested with the power of eminent domain, as provided by law without restriction of the provisions of section one thousand seven hundred and fourteen of the Consolidated Statutes, to condemn sufficient

No notice
necessary.

Eminent domain.

lands for the use of a county home, upon providing a reasonable compensation to be paid for said lands, and if the value thereof cannot be agreed upon by the said board of commissioners and the owner thereof, then the value thereof shall be determined and assessed by a jury of three freeholders to be appointed by the clerk of Superior Court of McDowell County: *Provided*, either party shall have the right to appeal from the award of the jury to the Superior Court of McDowell County and the question of the value of the land shall then be determined by a jury, as in other cases of fact: *Provided further*, that the appeal by either party shall not stay the progress and erection of the said county home for the aged and infirm.

Inability to
fix value.

Jury to value
condemned land.

Proviso: appeal
not to stay
progress.

SEC. 2. That the board of commissioners of McDowell County be and they are hereby authorized and empowered, if in their discretion it is to the best interest of said county, to sell the present county home and the entire boundary of land on which the same is situated, as a whole or in subdivisions, at such price and on such terms as they may deem for the best interest of the county, and in the event of such sale to make and execute deed or deeds in fee to the purchaser or purchasers. In the event of such sale the proceeds shall be applied to the purchase of a new site and erection of a new county home, as hereinafter authorized. In the event the said board of commissioners shall decide that a sale of the present county home site is not to the best interest of McDowell County and that it would be to the best interest of the said county to hold the same, the said board of commissioners are authorized and empowered to retain same, and may, in their discretion, proceed with the selection of a new site and the construction of a new home, and shall have the authority to later sell the said land constituting the present county home, under the authority hereof, as herein provided, and the proceeds of such sale shall be devoted to the purchase and paying off of any bonds that may be issued or debts incurred in connection with the purchase of a site and construction of a new county home as same mature, or in the purchase of such bonds before maturity, if obtainable.

Commissioners
authorized sell
old county
home.

Application
of proceeds.

Retention of
old county home.

Sale of land.

SEC. 3. That the board of commissioners of McDowell County be and they are hereby authorized and empowered to erect a new county home for the aged and infirm on such sites as they may, in their discretion, select, as hereinbefore authorized, of such size to accommodate the present and future needs of the county both as to the home for the aged and infirm and suitable apartment for the superintendent of the said home, and such other apartments as in the judgment of the board of commissioners will be necessary, and to equip the said home with adequate, safe and suitable furniture and appliances for the use of

Erection new
county home.

the inmates of said home, to provide said home with modern conveniences, water sewerage, heat and lights, and to properly erect, furnish, equip and finish said home in a manner suitably convenient and adequate for the needs of McDowell County.

In case sale
site present
county home.

SEC. 4. That in the event the board of commissioners shall elect to sell the site of the present county home before the construction of the new county home, then the proceeds thereof shall be applied to purchasing a new site, and if any balance remain same will be applied to the construction of the new home.

Bond issue
authorized.

SEC. 5. That the board of commissioners of McDowell County, for the purpose of acquiring a new site for a county home and for the construction, equipping and furnishing of the same, and any and all apartments in connection therewith, herein authorized, which are necessary for the public welfare and to the health of the aged and infirm citizens of McDowell County, are hereby authorized and empowered to issue bonds in an amount or amounts not exceeding thirty thousand dollars (\$30,000), at such time or times and in such amount or amounts as may be deemed expedient by the board. Said bonds shall be in denominations determined by the board, and shall bear interest from the date thereof at the rate not to exceed six per cent per annum, with interest coupon attached, payable semiannually, at such time and place as may be deemed advisable by the said board. Said bonds shall be of such form and tenor and transferable in such manner and the principal thereof payable and redeemable at such time or times, not exceeding thirty years from the date thereof, at such place or places as the said board of commissioners may determine, and each of said bonds shall state on its face that same was issued for the necessary expense of acquiring a new site for and constructing a new county home for the aged and infirm of McDowell County, which said bonds shall not be sold for less than their par value.

Denominations.
Rate of interest.

Form of bonds.

Purpose of
bonds.

Special tax.

SEC. 6. That the board of commissioners of McDowell County shall, at the time of levying taxes for general county purposes, levy a sufficient tax upon all real and personal property, rights and credits, now or hereafter subject to taxation for general purposes, for the purpose of paying the interest on said bonds, as same accrues and to provide a sinking fund for the payment of the principal when due.

Proceeds from
sale of bonds.

SEC. 7. That the proceeds derived from the sale of bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated for the purposes for which they were issued, as provided herein, and the board of commissioners shall cause the treasurer of McDowell County to open and keep separate account of said funds, and the treasurer shall be liable officially, as well as personally, under the require-

ments of the law now prescribed to other county funds, or which may be hereafter prescribed for the safekeeping and distribution of said funds. And the said board of commissioners shall require the said treasurer to give bond for the faithful and honest performance of his duties in relation to said bonds, in such sum as they may deem sufficient, not exceeding the par value of the amount of bonds so issued, which said bond shall be executed in some reliable surety company doing business in the State of North Carolina, and the said board of commissioners shall pay the premium for said bond, and the treasurer shall be allowed no commission for handling the proceeds of the sale of the bonds.

Treasurer to give bond.

SEC. 8. That the taxes levied hereunder shall be collected by the sheriff or other official charged with the collection and holding of other county taxes, and that he shall be liable therefor officially on his bond, as well as personally, to all requirements of law as are now or hereafter may be prescribed for the faithful collection and payment of other county taxes.

Collection of taxes.

SEC. 9. That in order to provide for the safekeeping and investment of the funds arising from the taxes under this act, over and above the amount necessary to pay the semiannual interest on said bonds the board of commissioners of McDowell County shall invest any moneys which may belong to the sinking fund from time to time in safe, interest-bearing securities, payable to the board of commissioners, for the benefit of said sinking fund.

Investment of moneys.

SEC. 10. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in force and effect from and after its passage.

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 179

AN ACT TO AMEND THE ROAD LAW OF TRANSYLVANIA COUNTY AND PROVIDE FOR A MORE EFFECTIVE SYSTEM FOR THE UPKEEP OF SAID ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-four, Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That the board of county commissioners of Transylvania County are hereby authorized and empowered to levy and collect annually, at the time of levying and collecting the other

Special tax.

taxes of the county, a road tax not to exceed twenty-five cents on the one hundred dollars valuation, and a bridge tax not to exceed ten cents on the one hundred dollars valuation on all the taxable property in said county which is outside of those incorporated towns in said county wherein street taxes are levied and collected for the upkeep of the streets of such town, and the tax levied and collected under this act shall be kept separate from all other taxes and shall be known as the "Special Road and Bridge Fund Tax."

Road duty

SEC. 3. That all ablebodied male citizens between the ages of twenty-one and forty-five years, residing in said county and not within the corporate limits of any incorporated town requiring such citizens to do work on the streets of such town, shall be and are hereby made the subjects of road duty, and such citizens shall be required to work six days on the public roads of said county within their respective townships: *Provided, however,* if such person shall pay to the county supervisor or the township supervisor, as herein provided for, the sum of four dollars, then such person shall be exempt from road duty for a period of twelve months.

Proviso,
exemption.

Calendar year.

SEC. 4. The calendar year for road service under this act shall begin on April the first of each year, and within said year the number of days work designated shall be put in on the roads or the sum of money designated in lieu thereof shall be paid by the road subjects as herein provided for.

County
supervisor of
roads; duty.

SEC. 5. There shall be selected by the board of road commissioners of Transylvania County a county supervisor of roads whose duty it shall be to look after the construction and maintenance of all public roads of said county except those that are or may become a part of the State highway system, and such county supervisor shall be under the control and subject to the rules and regulations of the board of road commissioners and shall hold his office for such period of time as the said board may deem advisable for the best interest of the roads of the county.

Requirements.

SEC. 6. The county road supervisor herein provided for shall be a man of wide, mature road experience and shall satisfy the board of road commissioners that he is qualified, capable and efficient for such service. Before he shall enter upon the duties of his office, he shall execute and file with the board of road commissioners a good bond, approved by said board, in an amount of at least two thousand dollars, which bond shall be conditioned for the faithful performance of the duties required of said supervisor as well as for the faithful accounting for all funds and road equipment that may come into his hands at any

File bond.

time during his term of office by virtue of his office as such supervisor.

SEC. 7. As soon as said county supervisor shall have qualified he shall enter upon the duties of his office and shall be given general supervision over all public roads in the county other than those which are a part of the State highway system.

(a) He shall visit and carefully inspect all of the main public roads of the county at least twice during each calendar month and make note of the condition of said roads at all points.

(b) He shall confer with the citizens living along said public roads who are in position to know the needs of the roads in his or their particular locality and shall see to it that all possible necessary repairs are made within the shortest time possible to improve the conditions of said roads.

(c) He shall report the conditions of the roads in the various townships of the county to the board of road commissioners at the end of each month with such recommendations as he may consider necessary for the betterment of said roads.

(d) With the concurrence and approval of the board of road commissioners, he shall employ in each township at least one responsible man of mature judgment and road experience and in such townships as may have widely scattered roads and extensive mileage more than one such man may be employed by said county supervisor and board of road commissioners if they shall deem it advisable, setting apart such roads or sections of roads as each are required to keep up.

(e) He shall, when directed by the board of road commissioners go in person and with the aid of the township supervisor employ sufficient labor and secure sufficient material to put in reasonably good condition any section of road, in any township, that may be out of repair, and those roads or sections of roads over which most travel is directed shall receive the most constant attention, and where there is a difference of opinion as to these needs, the judgment of the board of road commissioners shall govern. Nothing herein, however, shall relieve said county supervisor from seeing that all public roads in the county and under his control are kept in reasonable repair.

(f) He shall inspect the location of any and all bridges that are to be built and report same to the board of road commissioners and if any bridge is to be constructed that will cost as much as fifty dollars the board of road commissioners shall likewise have said bridge site inspected; and if any new road is to be opened, or any amendments are to be made on roads, or any bridge is to be built, the cost of any of which projects

Duties of road supervisor.

(a) visit roads.

(b) confer with citizens.

(c) report.

(d) appointment.

(e) personal employment.

(f) inspection of bridges.

will exceed five hundred dollars then the board of road commissioners and the board of county commissioners shall have such proposed road, amendment, or bridge project inspected and shall approve the same before any work is done thereon, and no money shall be paid on any such proposed project until approved by a joint meeting of the road commissioners and the county commissioners.

(g) He shall make a complete list, by townships, of all male citizens of the county outside of the incorporated towns hereinbefore mentioned, between the ages of twenty-one and forty-five years, taking such list from the tax list kept by the sheriff and shall keep a record of such delivering a copy thereof to the respective township supervisors, of all such citizens as may be residents and subject to road duty under the provisions of this act.

List male
citizens from
tax list.

(h) He shall be responsible for the collection of and accounting for all moneys that may be paid by road subjects in the various townships of the county in lieu of the road labor required under section three of this act, and to that end shall keep a permanent record showing the names of all persons who may pay, the date of payment and the amount paid, and deliver to the board of road commissioners a copy of such statement, itemized and verified, on the first Monday of each month to be kept by said board for public inspection.

Collection
of moneys.

(i) He shall be responsible in seeing that the required number of days of each road subject are put in on the roads of the various townships where money is not paid in lieu thereof as herein provided for, and shall report to the board of road commissioners on the first Monday of each month the name of the person and the number of days worked by such person, which statement shall likewise be itemized, verified and filed with the said road commissioners for public inspection.

Road duty.

SEC. 8. The township supervisors herein provided for shall:

Duties of
supervisors:

(a) look after
township roads.

(a) Carry out in detail the work designated by the county supervisor and shall at all times and in every way possible diligently look after the roads of his township whenever and wherever there is need of repair.

(b) report con-
dition of roads.

(b) He shall be at liberty to report the condition of the roads of his township to the board of road commissioners of the county as well as to the county supervisor.

(c) consult
county
supervisor.

(c) He shall consult with the county supervisor at least twice in each calendar month as to the condition of the roads in his township with recommendation as to their betterment and shall in every way cooperate with the county supervisor and the road commissioners to improve the conditions of the roads of his township.

(d) He shall keep a book in which shall be kept a copy of the names of all the male citizens of his township between the ages of twenty-one and forty-five years which shall be delivered to him by the county supervisor. (d) book.

(e) He shall summons all such citizens from time to time during the calendar road year herein provided for to work on the roads of his township, giving in such summons at least five days notice and shall state the time and place where the work is to be done on the roads, the kind of implement to be brought, and shall make a complete list of each and every person who work on the roads and deliver such list to the county supervisor at the end of each month. (e) summons for road duty.

Any person who is subject to road duty under the provisions of this act and who fails, neglects or refuses to attend at the time and place mentioned in the summons and work as directed by the township supervisor shall be guilty of a misdemeanor and fined not less than five dollars nor more than ten dollars for each offense: *Provided*, that any person who has been exempted from road duty by the county commissioners of Transylvania County and who shall present his certificate of exemption at the time he is summoned or at the time and place where work is to begin, or who shall pay the sum of one dollar and fifty cents per day for each day that he is required to work as set out in such summons, or who shall present a receipt from the county supervisor showing payment sufficient to cover the period of work required by such summons at the rate per day above mentioned, shall not be required to perform the labor called for in such summons: *Provided, further*, that if any person when called on by the county supervisor or the township supervisor shall pay the sum of four dollars, such person shall be excused from road duty for a period of one year; and if he shall pay three dollars he shall be excused from road duty for a period of six months. Failure to do road duty misdemeanor; penalty.

Proviso:
exemption.

Further proviso:
exemption.

SEC. 9. The county supervisor and the respective township supervisors shall each be held to strict account for any and all teams, tools, machinery or other road working equipment put into their hands, and all such equipment shall be delivered on the order of the board of road commissioners of said county when demanded. Account of teams, etc.

SEC. 10. The board of road commissioners are given full power and authority to discharge any county supervisor or township supervisor for failure or neglect of duty under this act and to fill the vacancy or any vacancy that may occur on any account. Discharge of supervisor.

SEC. 11. Any county supervisor or township supervisor who shall willfully neglect any of his duties hereunder, after notice Neglect of duties.

shall have been given him, shall be subjected to indictment and prosecution.

Compensation
county
supervisor.

SEC. 12. The county supervisor shall receive such compensation as may be agreed upon between him and the board of road commissioners not to exceed the sum of two thousand dollars per year, which sum shall be in full for all services rendered by him and expenses incurred by him in the performance of his duties under the provisions of this act, which sum shall be paid out of the "special road and bridge fund" herein provided for, in equal monthly installments and on the approved vouchers of the board of road commissioners. Each of the township supervisors shall receive such compensation as may be agreed upon between themselves and the board of road commissioners, which compensation shall be paid on vouchers issued by the county supervisor and approved by the board of road commissioners out of said road and bridge fund herein provided for.

Quarterly report
of supervisor.

SEC. 13. The county supervisor shall make out an itemized quarterly report of all moneys received by him and paid out by him in the various townships, which report shall state the person to whom payment was made, the account on which payment was made and the date of payment, and such report shall be verified before the clerk of Superior Court and filed with the board of road commissioners for public inspection and may be published in some newspaper by said board if they shall deem it advisable so to do.

Compensation
laborers, etc.

SEC. 14. That the county supervisor shall first confer with the board of road commissioners and then with the township supervisors as to what prices shall be paid per day for men, teams, scrapes, drags and other equipment that may be used on the roads of the county and he shall not contract to pay more than reasonable and just wages for labor and equipment.

Unconstitutional
clauses.

SEC. 15. That if any clause, section or paragraph of this act shall be construed by the courts unconstitutional such construction shall in no way or manner affect any other clause, section or paragraph thereof.

Conflicting
laws repealed.

SEC. 16. That all laws and clauses of laws in conflict with this act or any part thereof are hereby repealed.

SEC. 17. That this act shall apply only to Transylvania County.

SEC. 18. That this act shall be in force from and after the first day of April, one thousand nine hundred and twenty-five.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 180

AN ACT TO VALIDATE CERTAIN BONDS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the twenty thousand dollars of five and one-half per cent county of Bladen school bonds, dated September first, one thousand nine hundred and twenty-four, and issued for the purpose of funding the debts of said county incurred in necessary expenses in maintaining the six months school term, are hereby validated in all respects, and same may now be issued and delivered in accordance with the various proceedings of the board of county commissioners of said county, particularly those of August fourth, one thousand nine hundred and twenty-four; notwithstanding any defects or omissions in connection with the proceedings, advertising, etc., provided that same shall not be disposed of at less than par and interest.

Bonds
validated.

SEC. 2. That a sufficient annual tax shall be levied on all taxable property in Bladen County, to pay the principal and interest of said bonds as same shall fall due.

Annual tax.

SEC. 3. That no action questioning the validity of the said bonds shall be instituted in any court of this State, after the expiration of fifteen days from the ratification of this act.

No questioning
validity.

SEC. 4. That all acts and parts of acts in conflict with this act are hereby repealed in so far as they affect this act.

Conflicting
laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 181

AN ACT TO REESTABLISH THE OFFICE OF COUNTY TREASURER IN THE COUNTY OF WATAUGA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred seventy-three of Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That E. G. Greer be and he is hereby appointed treasurer of Watauga County. His term of office shall begin on the first Monday in March, one thousand nine hundred and twenty-five, and he shall hold office until his successor is elected and qualified.

E. G. Greer
appointed
treasurer
Watauga County;
term of office.

To file bond.

SEC. 3. That before entering upon his duties, said treasurer shall file a bond conditioned as and in the amount now prescribed by general law.

Compensation.

SEC. 4. That the said treasurer of Watauga County shall receive as pay for his services as county treasurer one thousand dollars per annum payable in equal monthly installments.

Conflicting laws repealed.

SEC. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That this act shall take effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 182

AN ACT TO REQUIRE THE BOARD OF EDUCATION OF STANLY COUNTY TO MAKE AND FILE WITH THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY AN ANNUAL ITEMIZED STATEMENT OF RECEIPTS AND EXPENDITURES OF SAID BOARD.

The General Assembly of North Carolina do enact:

Statement of funds of board of education.

SECTION 1. The board of education of Stanly County shall make and file with the board of county commissioners of said county on the first Monday in July, one thousand nine hundred and twenty-five, and annually on the first Monday in each July thereafter, a full, complete and accurate statement and account, itemized, of all funds received and expended by or under authority of said board of education or the county superintendent of public instruction of said county, from the first day of July of the preceding year to the first day of July, in which said statement and account shall show the date and from what source said funds were received and the date and for what purpose same were expended; and shall be so arranged in form as to show under the head of salaries and expenses of the board of education, county superintendent, and public school supervisor, all salaries, office expenses and expenditures of county superintendent of public instruction, county supervisor of schools and the board of education as overhead charges in administering the school funds in said county; and so as to show under the head and name of each school in said county, separately, the salary paid to each teacher, school officials, and all expenses and other amounts paid to or for each school in said county, under separate head; and all other amounts disbursed for any purpose shall be shown under the head of miscellaneous expenditures.

Contents of statement.

SEC. 2. The board of county commissioners of said county shall receive the itemized statements and accounts of the board of education required to be filed with said board as provided in section one of this act, and shall have the same properly recorded in permanent record book to be provided by said board of county commissioners for that purpose, which book shall be designated and marked "Accounts of Board of Education," and shall be kept in the office of the register of deeds of said county as a permanent public record of said office.

Report to be recorded.

SEC. 3. That the said board of county commissioners shall have the itemized statement herein required published in some newspaper published in Stanly County.

Statement to be published.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 183

AN ACT TO AUTHORIZE THE WORKING OF CERTAIN PRISONERS OF STANLY COUNTY AT THE HOME OF THE AGED AND INFIRM OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any female sentenced by a court of competent jurisdiction in Stanly County to serve a term in the common jail of said county with leave to the county commissioners to hire out, it shall be lawful for said county commissioners to place such prisoner in the custody of the superintendent of the home for the aged and infirm of Stanly County to do and perform such labor in connection with the keeping of said home as such prisoner is qualified to do, and such custody may be for the whole or only a part of said sentence as the county commissioners and superintendent of the said home may determine.

Female prisoners to work at home of aged and infirm.

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 184

AN ACT TO REGULATE AND FIX THE FEES OF THE
SHERIFF OF WILSON COUNTY.

The General Assembly of North Carolina do enact:

Compensation
of sheriff.

SECTION 1. That the sheriff of Wilson County shall receive as full compensation for the collection of taxes of said county, two and one-half per cent ($2\frac{1}{2}\%$) on all taxes levied and collected during the tax year beginning June first, nineteen hundred and twenty-five.

SEC. 2. The sheriff of Wilson County shall receive as full compensation for collecting the taxes of Wilson County, two and one-quarter per cent ($2\frac{1}{4}\%$) on the taxes levied and collected after June first, nineteen hundred and twenty-six.

Conflicting
laws repealed.

SEC. 3. All laws, clauses of laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 185

AN ACT TO EMPOWER THE COMMISSIONERS OF DUPLIN
COUNTY TO RENEW CERTAIN OUTSTANDING NOTES.

The General Assembly of North Carolina do enact:

Commissioners
authorized
renew notes.

SECTION 1. That the board of commissioners of Duplin County be and the same is hereby authorized and empowered to execute renewal notes for any and all of the outstanding notes now due by the board of commissioners of Duplin County from time to time as the outstanding notes become due; and to pledge the credit of the county for the payment of the same; and the board of commissioners of Duplin County are further authorized and empowered to borrow money to pay the outstanding notes now due by the county and to execute the county's note for the same and to pledge the credit of the county for the payment of the same.

Conflicting
laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 186

AN ACT TO ALLOW THE SHERIFF OF CLAY COUNTY ONE-HALF OF ONE PER CENT FOR HIS SERVICES.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Clay County shall receive as compensation for his services in performing the duties of county treasurer the sum of one-half of one per cent of all moneys received and the same amount on all moneys disbursed. This shall be in addition to such other fees as may be allowed him as sheriff.

Compensation
of sheriff.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 187

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY TO INVEST SINKING FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the safekeeping and investment of the funds arising from taxes levied under the authority of the act authorizing the issuance of bonds under which bonds have been issued by said county, over and above the amount necessary to pay the semiannual interest on the said bonds respectively, the board of commissioners of McDowell County shall be and they are hereby authorized to invest moneys, which may now or hereafter belong to any sinking funds of the county for the payment of any issue of bonds, from time to time in safe interest-bearing securities, payable to the said board of commissioners for the benefit of said sinking fund.

Investment of
sinking fund.

SEC. 2. That the board of commissioners of McDowell County be and they are hereby authorized and empowered, from moneys in the sinking fund derived from taxes levied for the payment of any issue of bonds made by the county and now outstanding, to purchase any amount or amounts of such outstanding bonds before maturity, if and when obtainable.

Purchase of
bonds.

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

Conflicting
laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 188

AN ACT TO REPEAL CHAPTER 168 OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION, 1920, RELATING TO THE RECORDER'S COURT OF UNION COUNTY AND PROVIDING COMPENSATION FOR RECORDER AND SOLICITOR.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter one hundred and sixty-eight of the Public-Local Laws, extra session, one thousand nine hundred and twenty, be and the same is hereby repealed and the following substituted therefor:

Substitute; compensation certain county officers.

SEC. 2. That the recorder of the recorder's court for Union County shall receive in lieu of all other compensation the sum of one hundred and twenty-five dollars per month, payable monthly. That the solicitor of said recorder's court shall receive in lieu of all other compensation the sum of one hundred dollars per month, payable monthly.

Payment of salaries.

SEC. 3. That said salaries shall be paid as now provided by law.

Increase of recorder's salary.

SEC. 4. That the board of county commissioners of said county and the board of aldermen or other governing body of the city of Monroe, acting jointly, may increase the recorder's salary to an amount not exceeding one hundred and fifty dollars per month and the solicitor's to an amount not exceeding one hundred and twenty-five per month.

Conflicting laws repealed.

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

Date of effect.

SEC. 6. That this act shall be in force and effect from and after the first day of April, one thousand nine hundred and twenty-five.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 189

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION OF MOORE COUNTY FROM 3 TO 5.

The General Assembly of North Carolina do enact:

Increase number members board of education.

SECTION 1. That on and after the first Monday in April, one thousand nine hundred and twenty-five, the number of members of the board of education of Moore County shall be five instead of three as now constituted.

SEC. 2. That H. A. Page, Sr., chairman; W. H. Lawhon, J. R. McQueen, C. C. Jones and W. G. Carter are hereby appointed members of the board of education of Moore County for a period of two years from the first Monday in April, one thousand nine hundred and twenty-five, or until their successors are appointed and qualified. Appointments.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 190

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF ORANGE COUNTY TO TRANSFER AN AMOUNT NOT TO EXCEED \$1,500 FROM THE BOND FUND OF CARRBORO SCHOOL DISTRICT, CHAPEL HILL TOWNSHIP, TO THE MAINTENANCE FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Orange County be and it is hereby authorized and empowered to transfer from a surplus of four thousand five hundred and three dollars heretofore collected and now in the bond fund of Carrboro school district, Chapel Hill Township, Orange County, to the maintenance fund of said district, a sum not to exceed fifteen hundred dollars for the purpose of providing an eight months school term in said district for the fiscal year ending June thirtieth, one thousand nine hundred twenty-five, and paying a small indebtedness caused by running an eight months school therein for the year ending June thirtieth, one thousand nine hundred and twenty-four. Transfer amount to maintenance fund.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 191

AN ACT TO AUTHORIZE THE ROAD COMMISSION OF ROBESON COUNTY TO LEVY A SPECIAL TAX IN CERTAIN TOWNSHIPS FOR ROAD PURPOSES.

The General Assembly of North Carolina do enact:

Special tax;
purposes.

SECTION 1. That upon petition of the taxpayers of any township of Robeson County, representing more than fifty per cent of the taxable property in such township, the county commissioners of Robeson County may in their discretion levy a special tax in such township, not exceeding thirty cents on the one hundred dollars valuation of property for special road work in such township, and the funds derived from said tax shall be in addition to the road tax already levied for any such township, and shall be placed to the credit of such township in like manner as road funds are now credited to the townships of Robeson County.

Conflicting
laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 192

AN ACT TO REQUIRE THE REGISTER OF DEEDS OF MOORE COUNTY TO CERTIFY TO THE COUNTY AUDITOR, STATEMENT OF ALL CONVEYANCES REGISTERED IN HIS OFFICE.

The General Assembly of North Carolina do enact:

Statement of
register of deeds
to county
auditor.

SECTION 1. That the register of deeds of Moore County shall certify to the county auditor of Moore County, on the first Monday of each month, a statement of all deeds and conveyances recorded in the register's office of Moore County during the month previous to said first Monday, giving the names of all the grantors and grantees in each conveyance, the consideration stated in said conveyances, the number of acres, respectively, conveyed, when given, or the number of lots designated when lots are conveyed, the township where said land is located, if stated, and the book and page where said conveyances have been recorded.

Fees of
register of deeds.

SEC. 2. That the register of deeds shall be allowed as fees for such service the sum of fifteen cents for each conveyance so

reported, which sum he is authorized to collect from the person or persons filing said deeds for record, in addition to the other fees allowed him by law.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 193

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO INSTALL A MODERN SYSTEM IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF WILSON COUNTY AND CAUSE A MODERN, UP-TO-DATE AND COMPLETE INDEX TO BE MADE OF THE RECORDS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Wilson County are hereby authorized and empowered to purchase and install a modern, up-to-date filing system in the office of the clerk of the Superior Court in Wilson County, to the end that all papers, records, books and documents therein may be filed in such a manner that they may be easily and quickly found.

Commissioners authorized purchase filing system.

SEC. 2. The board of commissioners of Wilson County are hereby authorized and empowered to cause all the records, books, papers and other documents in the office of the clerk of the Superior Court of Wilson County to be indexed and install a modern, up-to-date system of indexing therein.

Records to be indexed.

SEC. 3. The cost of the filing system and index herein provided for shall be paid by the board of commissioners of Wilson County from the general funds of the said county, upon vouchers properly drawn thereon.

Costs.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 194

AN ACT TO ALLOW JUSTICES OF THE PEACE AND MAYORS OF INCORPORATED TOWNS IN UNION COUNTY TO SENTENCE PERSONS TO JAIL TO BE WORKED UPON THE PUBLIC ROADS OF UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Justices of peace, mayors incorporated towns Union County given authority to sentence persons convicted to roads for thirty days.

SECTION 1. That all justices of the peace and mayors of incorporated towns in Union County, North Carolina, who may convict persons for crimes and offenses within the jurisdiction of said justices and mayors, and have power to inflict punishment, may when they impose punishment by sentence of imprisonment or for nonpayment of fine and costs, sentence said convicted person or persons to the jail of Union County, to be worked on the public roads of Union County, for such term of imprisonment as said justice or mayor may adjudge not to exceed thirty days.

Authority over convicted persons.

SEC. 2. That such convicted person or persons shall work under the supervision and authority of such officer or officers who have charge of and control of the convict force of said county.

Application of act.

SEC. 3. That this act shall apply to Union County, North Carolina.

Conflicting laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 195

AN ACT RELATING TO THE SALARY AND TRAVELING EXPENSES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Traveling expenses and salary of superintendent public instruction.

SECTION 1. That the county superintendent of public instruction of Pamlico County shall receive only the sum of two thousand eight hundred dollars per annum, which shall include his salary and traveling expenses while performing his duties as said county superintendent in said county.

To be paid from school funds.

SEC. 2. That the board of education shall order said sum paid out of the school funds of said county.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 196

AN ACT TO AMEND CHAPTER 415 OF THE PUBLIC-LOCAL LAWS OF 1915 AND AMENDMENTS THERETO AS CONTAINED IN CHAPTER 629, OF THE PUBLIC-LOCAL LAWS OF 1917 AND CHAPTER 505 OF THE PUBLIC-LOCAL LAWS OF 1919, RELATING TO THE RECORDER'S COURT OF LEAKSVILLE TOWNSHIP IN THE COUNTY OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifteen, Public-Local Laws of the General Assembly of North Carolina, session one thousand nine hundred and fifteen, be and the same is hereby amended as follows: By inserting in section three, in line thirty-nine, after the word law and the period and before the word "that," in said line thirty-nine, the following: Amendment.

Provided, that if there is not but one candidate for the said office of recorder, then there shall be no election held. That all candidates for said office of recorder shall, at least five days before the day on which said election is to be held, file with the clerk of the board of commissioners of Rockingham County a notice of candidacy, stating his intention to be a candidate for said office of recorder, and only such persons as file such notice of candidacy as herein required shall be voted for in said election: *Provided further*, that if only one candidate files his notice of candidacy with the clerk of the board of commissioners of Rockingham County as herein required, the clerk of said board of commissioners shall call off said election by publishing notice to that effect in a newspaper published in Leaksville Township in said county, if there be one published in said township, and shall also notify by letter the election officers appointed for the holding of said election not to hold said election. In the event there is no election held for the reason herein set out, the board of commissioners of Rockingham County shall appoint the person as recorder who files his notice of candidacy. In the event there is no election held at any time for any reason the board of commissioners of Proviso clause.

Further proviso.

In event no election.

Rockingham County shall appoint some citizen of Leaksville Township as recorder who shall hold office for the next two years, or until his successor is elected and qualifies."

Amendment.

SEC. 2. Amend section five of said chapter four hundred and fifteen by striking out all of said section five after the word "excepted" and the period, in line three, and inserting or adding the following:

"The sessions of said court shall be held in such place or building in Leaksville Township as may be designated or appointed by the board of commissioners of Rockingham County."

Amendment.

SEC. 3. Amend section eleven, subsection "b" of said chapter four hundred and fifteen, by inserting, in line seven after the word "county" and the period and before the word "such," the following:

"From which jury six jurors shall be selected to try such issues and cases as may be submitted to them by the recorder."

Amend said subsection "b" further by striking out all of the last sentence. Amend said section eleven of said chapter four hundred and fifteen by striking out all of subsection "c."

SEC. 4. Amend further said chapter four hundred and fifteen by adding after section sixteen the following new sections seventeen and eighteen:

Appointment
clerk recorder's
court.

"Sec. 17. The board of commissioners of Rockingham County may on the first Monday in May, one thousand nine hundred and twenty-five, and the odd years of the calendar thereafter, appoint a clerk for said recorder's court who shall begin his term of office on the first Tuesday in June thereafter, and shall serve two years and until his successor is appointed and qualifies. The clerk for his compensation shall receive fees or be paid a salary as the said board of commissioners shall determine. In the event a salary is fixed, same shall be paid in the same manner as the salary of the recorder is paid.

In case
vacancy.

"If a vacancy occurs in said clerk's office after clerk is appointed, the unexpired term shall be filled by the said board of commissioners. Fees shall be charged and collected as allowed by law to be charged and taxed in bills of cost in all similar cases by the clerk of the Superior Court of Rockingham County. In the event the board of commissioners of Rockingham County shall determine that the clerk of the recorder's court shall receive fees as his compensation, the said clerk shall receive fees allowed in cases in said recorder's court allowed by law to be collected by the clerk of the Superior Court of Rockingham County in similar cases; and in addition thereto all the fees allowed justices of the peace, the recorder or solicitor of said court when the warrant, summons and other papers, processes, etc., either civil or criminal are issued by said clerk.

In the event said clerk is paid a salary, all the fees allowed him herein shall be collected and paid to the treasurer of Rockingham County as required in regard to the recorder's fees: *Provided*, that the board of commissioners of Rockingham County may abolish said office of clerk to the recorder's court or may in their discretion refuse to appoint a clerk in any year designated herein.

"Sec. 18. The duties of said clerk shall be to keep a permanent docket or dockets for recording, and he shall record all processes criminal and civil issued by said court and the return of same or other action thereon and the disposition of all causes including judgments, orders and decrees, which dockets shall conform with the dockets kept by the clerk of the Superior Court. He shall keep records of all causes, which shall be disposed of in said court or commenced therein and show what disposition has been made of them. He shall receive and collect all fines, costs, penalties and forfeitures imposed by the recorder of Leaksville Township and keep a true record thereof and account for and pay over same to the proper offic als as provided by law. Before entering upon the duties of his office, he shall enter into a bond with good and sufficient sureties, the amount of the bond to be determined by the board of county commissioners. The clerk shall have concurrent power and authority with the recorder, solicitor and justice of the peace to take affidavits to warrants and to issue warrants in all criminal cases originating in Leaksville Township and to affix the seal of the court to other writs and processes of the court and to take appearance bonds for defendants in criminal actions or witnesses therein in such amount or amounts as may be fixed by the court, and to fix the amount of all bonds in the absence of the recorder when the recorder fails to fix bond, and to issue all summons and ancillary remedies and all other papers and processes in civil action that the recorder or any justice of the peace in Rockingham County can issue.

Duties of clerk.

"Such clerk shall have an office in Leaksville Township in or near the buidling in which the court is held as he reasonably can, and all records shall be open to the public."

Office of clerk.

SEC. 5. Said chapter four hundred and fifteen is hereby further amended by changing the number of section seventeen to section nineteen, and section eighteen to section twenty.

Chapter amended.

SEC. 6. That chapter six hundred and twenty-nine of the Public-Local Laws of nineteen hundred and seventeen be and the same is hereby amended by striking out all of section one and inserting in lieu thereof the following:

Salary of
recorder.

"The salary of the recorder shall be fixed and determined by the board of commissioners of Rockingham County and such salary shall be paid monthly out of the general county funds: *Provided*, that the recorder or clerk prepare and file an estimate of the expense of the recorder's court for the ensuing year, which estimate shall be filed as required by the budget law of Rockingham County. In each case disposed of by the recorder, whether the defendant is convicted or pleads guilty, there shall be allowed in addition to other lawful costs the following fees for trial and judgment as part of the cost against the defendant; in all cases within the jurisdiction of justices of the peace, two dollars and fifty cents, and in all cases above the jurisdiction of the justices of the peace and within the jurisdiction of the said recorder's court, four dollars. For preliminary trial in cases above the jurisdiction of the recorder's court, four dollars. Also a fee shall be charged against all defendants who plead guilty or are convicted a jury tax as follows: twenty-five cents in all cases within the jurisdiction of a justice of the peace prior to the establishment of said recorder's court and fifty cents in all cases above the jurisdiction of the justice of the peace, said jury tax to be kept by the clerk of said court if such clerk be appointed, and if no clerk then by the recorder in a separate fund to be known as a jury fund, which jurors shall be paid their fee for serving as jurors in said court: *Provided, further*, that all fees collected, as herein provided except the jury tax shall be paid to the treasurer of said county to be deposited in the general county fund for Rockingham County. It is further provided that cost of all such books, stationery, dockets, files, and other necessary expenses of said court shall be paid out of this fund by the treasurer of said county upon order drawn by the recorder or clerk upon the auditor in each case such order to be accompanied by an itemized statement of all expenditures covered by the order: *Provided*, all such orders shall be first approved by the board of commissioners of Rockingham County before payment."

Further costs.

Chapter
amended.

SEC. 7. That chapter six hundred and twenty-nine of the Public-Local Laws of nineteen hundred and seventeen be and the same is hereby amended by striking out said section three and inserting in lieu therein the following:

"*Provided*, in cases of acquittal in jury trials, the necessary expense of the summons of said jury may be paid out of the general county fund, in the discretion of the board of commissioners of Rockingham County: *Provided further*, that such expense shall not exceed the sum of three dollars in each case."

SEC. 8. That chapter five hundred and five of the Public-Local Laws of the General Assembly of nineteen hundred and nineteen be and the same is hereby amended by striking out section one and inserting in lieu thereof the following:

Chapter amended.

“The prosecuting attorney shall receive the following fees: In cases of conviction of where the plea of guilty or nolo contendere is entered, in the jurisdiction of justice of the peace, a fee of two dollars and a half; above the jurisdiction of justices of the peace, and within the jurisdiction of the recorder, six dollars, said fees to be taxed in bill of cost and paid by the defendants as other costs are paid; and in preliminary trials in felonies four dollars, provided the defendant is convicted in Superior Court, and when so convicted said fee shall be taxed in bill of cost by the clerk of the Superior Court.

SEC. 9. That all laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 197

AN ACT TO REDUCE THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION OF HAYWOOD COUNTY FROM 5 MEMBERS TO 3.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in April, one thousand nine hundred and twenty-seven, the board of education of Haywood County shall consist of three members instead of five as at present constituted.

Number members board of education reduced.

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 198

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF COLUMBUS COUNTY TO PAY PREMIUMS ON OFFICIAL BONDS OF CERTAIN COLUMBUS COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Commissioners authorized order payment of premiums on bonds.

SECTION 1. That the board of county commissioners of Columbus County are hereby authorized and empowered to order the payment of the premiums on all official bonds required by law to be made by the sheriff, clerk of the Superior Court and register of deeds of Columbus County out of the general county fund, when any one of said officers give said bond or bonds in a bonding or surety company.

SEC. 2. That the said board of county commissioners may in its discretion order the payment of the premium on any bond or bonds made by the sheriff, clerk of the Superior Court and register of deeds of Columbus County in a bonding or surety company for their present term of office out of the general county fund.

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 force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 199

AN ACT RELATING TO THE COUNTY AUDITOR OF COLUMBUS COUNTY, VALIDATING HIS ACTS AS CLERK TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY, AND PROVIDING FOR HIS BOND.

The General Assembly of North Carolina do enact:

Offices combined.

SECTION 1. That the county auditor of Columbus County shall be the clerk to the board of county commissioners of said county.

Acts validated.

SEC. 2. That all acts of A. W. Baldwin, auditor, as clerk to the board of county commissioners of Columbus County, are hereby validated in all respects.

Securities to be delivered to auditor.

SEC. 3. That all the securities of the county of Columbus in the form of notes, mortgages and other evidences of indebtedness shall be delivered to the auditor of said county for safe-

keeping and he shall be responsible for the safekeeping of said securities.

SEC. 4. That the board of county commissioners of said county shall require the auditor of said county to execute a good and sufficient bond, payable to the State of North Carolina in an amount not less than five thousand dollars (\$5,000), conditioned upon the faithful safeguarding of the securities of the said county of Columbus in the way of notes, mortgages and other evidences of indebtedness, and the proper delivery of the said securities when called for by the board of county commissioners of said county, and further conditioned upon the faithful execution of the duties of auditor of said county according to law: *Provided*, this act shall not interfere with the act of the General Assembly of one thousand nine hundred and twenty-three, providing for a county auditor and for depository for the county funds.

Auditor to give bond.

Provido.

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 200

AN ACT TO AMEND CHAPTER 90 OF THE PRIVATE LAWS OF 1917, RELATIVE TO THE SCHOOLS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety of the Private Laws of nineteen hundred and seventeen be amended as follows: by striking out the words in section one of said act "that the school trustees of Chadbourn school district number three, for white and colored races, located in the town of Chadbourn, are" and inserting in lieu thereof, "that the county board of education of Columbus, is."

Chapter amended.

SEC. 2. By striking out the words in section two, lines four and five, "and the superintendent of public instruction of Columbus County."

SEC. 3. By striking out the entire third section of said act and inserting in lieu thereof "that the funds so accumulated shall be paid out upon the warrant of the county board of education of Columbus County, countersigned by the county auditor of said county as is now provided by law."

Securities to be delivered to county board of education and by them to county auditor.

SEC. 4. That any of said securities of funds now held by the board of trustees of Chadbourn school district or any other person, firm or corporation, shall be delivered to the county board of education of Columbus County, and shall be delivered by said board to the county auditor of Columbus County for safekeeping and the said board shall take a receipt of the county auditor for said securities and the said funds shall be deposited in the county depository as are all other funds of the county.

Conflicting laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 201

AN ACT TO AMEND CHAPTER 505, PUBLIC-LOCAL LAWS OF THE SESSION OF 1917, RELATING TO THE APPOINTMENT OF TREASURER OF HERTFORD COUNTY,

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section three of chapter five hundred and five of Public-Local Laws of the session of one thousand nine hundred and seventeen be and the same is hereby amended by striking out all of said section three and by inserting in lieu thereof the following:

“Sec. 3. That in the event the office of treasurer is reestablished as aforesaid the bank or banks appointed treasurer or treasurers shall be appointed on the first Monday in October, one thousand nine hundred and seventeen, and biennially thereafter, and such bank or banks so appointed treasurer shall be required to qualify under this act on or before the first Monday in December following and be subject to all the duties and liabilities under the general law relating to county treasurer.”

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 202

AN ACT TO REPEAL CHAPTER 103 OF THE PUBLIC-LOCAL LAWS OF 1919 AND TO AMEND CHAPTER 697 OF THE PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE WAYNE COUNTY COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and three of the Public-Local Laws of one thousand nine hundred and nineteen, relating to the Wayne County court, be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That chapter six hundred and ninety-seven of the Public-Local Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "twelve," in line two of section twenty-five of said act, and inserting in lieu thereof the word "twenty-four," and by striking out the word "six," in line two of section twenty-seven of said act, and inserting in lieu thereof the word "twelve."

Amendment increasing salary of judge from \$1,200 to \$2,400 and solicitor from \$600 to \$1,200 per annum.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 203

AN ACT TO PROVIDE FOR 12 MONTHS SERVICE FOR GRAND JURIES IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the April term of court held for the county of Hertford grand juries shall be drawn as provided by law and they shall serve for a period of twelve months, or until the next succeeding April term of court thereafter; that at each April term of court grand juries shall be drawn as provided by law, to serve for a period of twelve months. After the said grand juries are drawn the presiding judge shall charge them, as provided by law: *Provided*, that at any time the judge of the Superior Court presiding over either the civil or criminal court of Hertford County may call said grand jury to assemble and may deliver unto said grand jury an additional charge; or the foreman of said grand jury may at any time, within his discretion, call said grand jury together for the performance of their duties: *Provided further*, that the judge of the Superior Court presiding over either the civil or

Jurors to serve for twelve months.

Proviso: discharge of jury, etc.

criminal court of Hertford County may at any time discharge said grand jury from further service in which event he shall cause a new grand jury to be drawn which shall serve during the remainder of the said twelve months.

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 force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 204

AN ACT TO REPEAL CHAPTER 176, PUBLIC-LOCAL LAWS, SESSION 1923, RELATIVE TO SALARIES FOR PUBLIC OFFICERS IN PERSON COUNTY AND TO FIX THE COMPENSATION OF SAID PUBLIC OFFICERS.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter one hundred and seventy-six of the Public-Local Laws of one thousand nine hundred and twenty-three and all laws amendatory thereto be and the same are hereby repealed.

Compensation clerk of court.

SEC. 2. That the clerk of the Superior Court of Person County shall receive as compensation in full for his services the fees and expenses now allowed by law and the sum of two hundred and fifty dollars per year for services as judge of the juvenile court; and the further sum of fifty dollars for services at each term of court in lieu of all other compensation.

Compensation register of deeds.

SEC. 3. That the register of deeds of Person County shall receive as compensation in full for his services the fees and expenses now allowed by law, in lieu of all other compensation whatever.

Compensation sheriff.

SEC. 4. That the sheriff of Person County shall receive and be allowed as compensation in full for his services a commission of two and one-fourth per centum on all taxes collected by him from the tax books which may be placed in his hands for collection and in addition thereto be allowed all fees of his office and expenses as is now allowed and provided by law, in lieu of all other compensation whatever.

Appointment of jailer.

SEC. 5. That the sheriff of Person County shall appoint a jailer, whose compensation shall be fixed and paid for by him.

Set of books to be kept.

SEC. 6. That the clerk of the Superior Court, register of deeds and sheriff shall open and keep a separate set of books consisting of a daily journal or ledger in which shall be promptly, correctly, truly and accurately entered itemized ac-

counts of all moneys collected or received by said officers or which by law shall be payable into their respective offices, and all of said books shall at all times be open to the inspection of the public upon demand and said books shall be safely and securely kept so as to prevent loss or destruction by theft, fire or accident.

SEC. 6. That it shall be the duty of the board of county commissioners of Person County to provide for an audit of all of said account books of officers of said county quarterly; that the said audit shall be made by the chairman of the board of commissioners and the county attorney of said county who shall make a written report to the board of commissioners of said county of the results of said audit.

Audit of books.

SEC. 7. That the members of the board of commissioners of Person County shall receive the sum of five dollars per day and mileage at the rate of five cents per mile both ways for their services in attending the meetings of said board of commissioners.

Compensation of commissioners.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 205

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the debts incurred for the erection of the jail, improving and repairing the county home, providing a fireproof vault in the county courthouse, and for the building of bridges and paying interest on the county's bonded indebtedness, and for creating a sinking fund for the purpose of paying off indebtedness of said county not authorized by some other special act, the board of county commissioners for the county of Caswell are hereby authorized and empowered to levy a special tax, in the years one thousand nine hundred and twenty-five and one thousand nine hundred and twenty-six, not to exceed fifteen (15) cents on the one hundred dollars worth of taxable property in said county.

Special tax authorized.

Collection of tax. SEC. 2. That said tax shall be collected in the same manner, at the same time, and under the same penalties that other taxes of said county are levied and collected.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 206

AN ACT TO AMEND CHAPTER 443, PUBLIC-LOCAL LAWS, SESSION 1921, RELATING TO ELECTION OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Amendment. SECTION 1. That section one of chapter four hundred and forty-three, Public-Local Laws, session one thousand nine hundred and twenty-one be and the same is hereby amended by striking out all of said section, and inserting in lieu thereof the following:

"Section 1. That at the general election to be held to elect county officers in the county of Rutherford in the year one thousand nine hundred and twenty-six, there shall be elected three county commissioners for a term of two years from the first Monday in December, one thousand nine hundred and twenty-six, and upon the expiration of the terms of office of the said commissioners their successors shall be elected to hold office for a term of two years and until their successors are elected and qualified: *Provided, however,* that in the case of a vacancy in either of said offices by death, resignation or other cause, the vacancy shall be filled as now required by law in the case of the vacancy in the board of county commissioners, the appointee to hold office until the next succeeding general election, when his successor shall be elected and qualified.

Office vacated. "That the offices of the county commissioners of Rutherford County shall be and are hereby declared vacant on the first Monday in December, one thousand nine hundred and twenty-six, or as soon thereafter as the commissioners elected under paragraph one herein are elected and qualified."

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 207

AN ACT TO REPEAL CHAPTER 154 OF THE PUBLIC-LOCAL LAWS OF EXTRA SESSION 1921.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred fifty-four of the Public-Local Laws of extra session, 1921, be and the same is hereby repealed.

Chapter repealed.

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 208

AN ACT MAKING IT UNLAWFUL FOR PUBLIC AUTHORITIES OR GOVERNING BODIES WITHIN MONTGOMERY COUNTY TO ISSUE BONDS FOR ANY PURPOSE WHATSOEVER WITHOUT SUBMITTING THE QUESTION TO THE VOTERS OF THE COUNTY OR DISTRICT AFFECTED.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful within the boundaries of the county of Montgomery for bonds for county, township, school, road or highway, city or town, street or sidewalk paving, water, sewerage, lights or other public purposes, improvements or repairs to be issued without the approval of the qualified voters, to be affected thereby, of the respective city, town, township, or county at large, or within the jurisdiction of the road, highway, school, or other board, or trustees, proposing to issue such bonds: *Provided however*, that bonds may be issued by the said authorities in the way and manner now provided by law to meet an emergency occasioned by the sudden destruction of property now owned and existing.

Unlawful for bonds to be issued without submitting to voters.

SEC. 2. That in ascertaining the approval or disapproval of the qualified voters specified in section one of this act regarding the issuance of bonds as indicated in said section one of this act the respective official registrations of voters in the various precincts of said county of Montgomery and the various cities and towns thereof embraced within the territory to be affected now existing and in use, together with the additional registration provided for in section three of this act, shall be and

In re approval or disapproval.

constitute the respective official registrations of voters who are entitled to vote upon the issuance of said bonds.

Election law.

SEC. 3. That the general election law of North Carolina and the various sections thereof which are applicable shall constitute the election law governing the registration and additional registration of voters and their qualifications and the holding of the elections necessary to ascertain the will of the qualified voters to be affected as to the issuance of said bonds.

Written call
for election.

SEC. 4. That said authorities proposing to issue bonds shall prepare and sign a written call for an election to be held upon a Tuesday, which shall be at least sixty days after the first publication of the call for such election; said call for said election shall contain the date of such election to be held and the hours during which the polls will be open and the places where the polls will be held, which places shall be the same now provided by law, a description of the boundaries embraced in the territory within which the qualified voters to be affected are included, the dates registration books will be opened and closed and the places of the registration and the names and addresses of the registrars. The said registration books shall be open for thirty days and so as to close before the day of the election as now provided for closing by the general election law for general elections; and said call shall contain a detailed statement of the amount and kind of bonds proposed to be issued and the reason for issuing same, together with full information as to where and how the money arising from the sale of said bonds will be expended; and said call containing all the matters and facts aforesaid shall be published once a week during the said sixty days preceding said proposed election in some newspaper published in said city or town or said county, respectively, and a copy thereof shall likewise for said sixty days preceding said election be posted at the courthouse door in said county and at each of the proposed polling places throughout the territory in question and the cost of said advertisements and posting of said notices shall be paid for by the authorities calling such election.

Registration
books.

Appointment of
registrars.

SEC. 5. That the authorities proposing to issue said bonds shall appoint the respective registrars who served in the last preceding general or town election, as the case may be, to act as the registrars in said bond elections and such registrars shall be furnished with the current and official registration books containing the registration of the qualified voters to be affected; and the said registrars shall act in all things in regard thereto as required of them by the general election law, and shall be paid by the said authorities employing them at the same rate they are now paid by the provisions of the general election law.

SEC. 6. That said authorities proposing to issue said bonds shall appoint for each polling place two judges of election one of whom shall be favorable to the issuing of said bonds and one of whom shall be opposed to the issuing of said bonds. If suitable persons cannot be found to serve as such judges of election who represent such differences of opinion, then in any event two suitable judges of election for each polling place shall be appointed and said judges of election shall be paid by said authorities employing them at the same rate judges of election are paid by the provisions of the general election law.

Appointment
judges of
election.

SEC. 7. That said registrars and judges of election shall be duly sworn and shall act in all things and hold and conduct the said bond elections according to the provisions of the general election law and shall report the result of the said election through the medium of a canvassing board as is done in the general elections, to the authorities calling said election. Vacancies occurring among said registrars and judges of elections shall be filled as such vacancies are filled according to the provisions of the said general election law.

Conduction of
elections.

SEC. 8. That for said bond elections provided for by this act the authorities calling said election shall pay for and have prepared and duly distributed to all polling places a sufficient number of ballots in two sizes, printed in clear and distinct type; one set of ballots reading "For issuing bonds" and another set of ballots reading "Against issuing bonds," and if at said election it is found that a majority of the registered qualified voters to be affected thereby within the territory in question voted "For issuing bonds" then this shall constitute the approval required by this act for the issuance of said bonds; but otherwise such bonds shall not be issued.

Ballots.

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

Conflicting
laws repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 209

AN ACT TO RATIFY THE ACTION OF THE BOARD OF COMMISSIONERS OF ONSLOW COUNTY IN INCREASING THE SALARIES OF CERTAIN COUNTY OFFICERS.

Whereas, by proper legislative action heretofore had and taken, the county officers of Onslow County, and especially including

those hereinafter named, have heretofore been placed upon salaries; and

Preamble.

Whereas, the board of commissioners of said county of Onslow did at a regular meeting on the second day of December, one thousand nine hundred and eighteen, as appears from the minutes of said board under said date in said minute book on page one hundred and two thereof, take action authorizing the increase of the salary of the register of deeds from the sum of fourteen hundred dollars (\$1,400) a year to the sum of eighteen hundred dollars (\$1,800) per year; and

Whereas, on the fifth day of March, one thousand nine hundred and twenty-three, the said board of commissioners, by regular action taken as appears on said minute book of said commissioners, at page five hundred, did increase the salary of the sheriff of Onslow County for the said sheriff and his deputies from the sum of twenty-eight hundred dollars (\$2,800) per year to the sum of thirty-six hundred dollars (\$3,600) per year; and

Whereas, said board of commissioners did on the sixth day of August, one thousand nine hundred and twenty-three, by regular action taken, as appears in the said minute book of the said commissioners, on page five hundred and forty-four, increase the salary of the clerk of the Superior Court of Onslow County from sixteen hundred dollars (\$1,600) per year to eighteen hundred dollars (\$1,800) per year; and

Whereas, the question as to the authority of the said board to take said action as above set forth has now arisen, and it is desired that the said action of said board of commissioners should be in all respects ratified and validated: Now, therefore.

The General Assembly of North Carolina do enact:

Acts ratified.

SECTION 1. That all proceedings herein above recited, had and taken by the board of the county commissioners of Onslow County, authorizing the increase of the salaries of the register of deeds, sheriff and clerk of the court of said county, as hereinbefore specifically stated, as well as all other action theretofore taken by said board in anywise bearing upon or authorizing such increase of said salaries, be and the same are hereby ratified, validated and confirmed, and each and every one of the aforesaid increases in salary, and each and every official action taken by said board in any wise authorizing same, is hereby in all respects ratified, confirmed and validated.

Increase of
salaries
validated.

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby amended so as to conform with the terms and provisions of this said act.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 210

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO LEVY A TAX FOR THE SUPPORT OF THE COUNTY POOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Wilkes County be and it is hereby authorized and empowered to levy an annual tax not to exceed four cents on the one hundred dollars valuation on the taxable property in said county for the purpose of creating a fund for the support of the county home for the poor and for the relief of such aged and infirm poor or indigents who may become county charges outside of the county home. Tax for support of poor.

SEC. 2. Said tax shall be levied at the same time and in the same manner and shall be accounted for in the same manner as all other taxes, and shall not be used for any other purpose than herein set forth. Levying of tax.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 211

AN ACT TO AMEND SECTION 4480, ARTICLE 42 OF THE CONSOLIDATED STATUTES, RELATING TO LANDLORD AND TENANT TO MAKE IT APPLY TO STOKES AND SURRY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand four hundred and eighty (4480) of the Consolidated Statutes be amended by adding at the end of said section the words "Stokes and Surry." Amendment.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 212

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF CAMDEN TO LEVY SPECIAL TAX FOR A SPECIAL PURPOSE.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, in the carrying into effect the laws enacted by the General Assembly of North Carolina mandatory upon the several counties of the State, pertaining to tick eradication, the county of Camden has of a necessity become burdened with an interest-bearing debt of approximately seven thousand five hundred dollars, expended in the compliance with provisions of said law; and

Preamble.

Whereas, the authorized tax levy for said county allowed for general funds is inadequate to take care of and pay off all the necessary expenses of said Camden County, including said debt (the valuation of all property in said county being approximately three and one-half million dollars):

Special tax.

Wherefore, be it enacted that the county commissioners of Camden County be and they are hereby authorized to levy not more than ten cents on the one hundred dollars of real and personal property of said county each year beginning with the year one thousand nine hundred and twenty-five and for a period of not more than three years for the special purpose of raising funds with which to discharge the above indebtedness.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 213

AN ACT TO AUTHORIZE DURHAM COUNTY TO ISSUE COUNTY HOME BONDS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. The board of county commissioners of Durham County is hereby authorized to issue, at one time, or from time to time, not exceeding one hundred and fifty thousand dollars (\$150,000) bonds of said county, for the purpose of constructing, enlarging and equipping a county home for the poor and indigent of said county. The said bonds shall bear interest at not more than six per cent per annum, payable semiannually, and shall mature at such time or times not more than thirty years after

Rate of interest; maturity, etc.

their date as the said board may determine. No sale of any of said bonds shall be made at less than par and accrued interest, or until a notice of the date of receiving bids shall have been published once at least ten days before said date in a newspaper published in said county, and in a financial journal published in New York City. No other or further notice of sale shall be required nor shall a vote of the electors be necessary to authorize said bonds.

Notice of sale.

SEC. 2. The said board is authorized and required to levy upon all taxable property in Durham County in each year after the issuance of any of said bonds a tax, over and above all other taxes authorized or limited by law, sufficient to meet the payment of principal and interest of said bonds at the maturities thereof.

Special tax.

SEC. 3. The said bonds shall be issued in coupon form, and the bonds and coupons shall be executed as may be determined by said board, said bonds may, in the discretion of the board and upon terms to be by it provided, be made subject to registration as to principal alone, or as to both principal and interest.

Form of bonds.

SEC. 4. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session of the General Assembly.

Additional powers.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 214

AN ACT TO SUBMIT ANY FURTHER ISSUE OF BONDS IN HAYWOOD COUNTY TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That no further bonds shall be authorized or issued by the board of commissioners of Haywood County unless the same has been regularly submitted to a vote of the qualified electors of said county and duly authorized by a majority of the votes cast in such election.

Further bond issue subject to vote of people.

SEC. 2. That the board of county commissioners of Haywood County are hereby authorized to call a special election whenever in their judgment it is deemed necessary to issue such additional bonds by said Haywood County. At such special

Special election.

- election the board of commissioners of said county shall cause to be printed two sets of ballots for the use of said voters in said special election, one set of which ballots shall bear the designation "For additional bonds" and the other set of ballots to bear the words "Against additional bonds." The two sets of ballots shall be equal in number and the board of commissioners shall cause the same to be distributed to the proper polling places within the county within ten days preceding such special election and the vote shall be taken, returns made, and the result declared in the same manner as is now provided by law for electing members of the General Assembly.
- Ballots.**
- Result.**
- Proviso: bond issue in case of fire, etc.**
- SEC. 3. *Provided, however,* that the provisions of this act shall not apply to an issue of bonds of said county in case of fire or other casualty or unforeseen emergency necessitating an immediate issue of bonds in order that the affairs of the county may be carried on.
- Conflicting laws repealed.**
- SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A.D. 1925.

CHAPTER 215

AN ACT TO AUTHORIZE THE COMMISSIONERS OF TRANSYLVANIA COUNTY TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

- Special tax.**
- SECTION 1. That the board of county commissioners of Transylvania County be and they are hereby authorized to levy a special tax of not exceeding five cents on each hundred dollars valuation of all the taxable property in said county for the years one thousand nine hundred twenty-five and one thousand nine hundred and twenty-six for the purpose of supplementing the contingent fund and the "salary fund" for said county.
- Levying and collection of tax.**
- SEC. 2. The taxes herein provided for shall be levied and collected at the same time and in the same manner as is provided for in the levying and collecting of other taxes in said county.
- SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A.D. 1925.

CHAPTER 216

AN ACT TO AUTHORIZE TYRRELL COUNTY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Tyrrell County is hereby authorized to issue bonds of said county in an aggregate principal amount not exceeding twelve thousand dollars (\$12,000) for the purpose of funding or paying outstanding notes or other temporary indebtedness issued or incurred for any necessary expenses of said county. All indebtedness now outstanding incurred by said county for the purposes aforesaid is hereby validated. The board of county commissioners of Tyrrell County is hereby further authorized to

Bond issue authorized.

levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes which the said board is authorized by law to levy.

Ad valorem tax.

SEC. 2. That said bonds may be issued either all at one time or from time to time in separate issues. They shall mature at such time or times, not exceeding thirty years after their date, as the board of county commissioners may determine.

Time of issuance; rate of maturity.

SEC. 3. The said bonds shall be issued in such form and denominations, shall bear interest at such rates, not exceeding six per centum per annum, payable semiannually, and shall be made payable at such place or places as said board of county commissioners may determine. They may be either coupon bonds or registered bonds, and if issued in coupon form may be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Tyrrell County, and the county seal shall be affixed to each bond and attested by the clerk of said board; and coupons of such bonds shall bear a printed, lithographed or engraved facsimile signature of the said chairman who is in office at the date of said bonds. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid notwithstanding any changes in officers occurring after such signing.

Form of bonds; rate of interest, etc.

SEC. 4. The said bonds shall be sold at not less than par in such manner as the board of commissioners may determine.

Bond sale.

SEC. 5. The powers granted by this act are granted in addition to and not in substitution for existing powers of Tyrrell

Additional powers.

County, and are not subject to any limitation or restriction contained in any other act.

Conflicting
laws repealed.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 217

AN ACT TO PROVIDE FOR AN ELECTION FOR THE COUNTY OF ROWAN TO DETERMINE WHETHER FREE TEXTBOOKS SHALL BE PROVIDED FOR USE IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Question of
free textbooks
submitted to
people.

SECTION 1. That at the time and place for holding the next general election in November, one thousand nine hundred and twenty-six, there shall be held in the county of Rowan an election for determining whether said county shall provide free textbooks for use in the public schools of said county; that the ballots to be used in said election shall be provided by the county board of elections of Rowan County; that in said election the voters who favor free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words "For free textbooks" and the voters who oppose free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words "Against free textbooks," and if a majority of those voting in said county election shall cast their ballots "For free textbooks," the county commissioners of said county shall, at the time and in the manner for levying other taxes, levy on all the real and personal property for said county a tax sufficient for providing textbooks for use in the public schools of said county; and it shall be the duty of the public school authorities of said county to purchase books for the use of the pupils in the public schools of said county and loan said books to said pupils without charge, in accordance with section three hundred and forty of article thirty-two of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, which chapter is the codification of the public school laws of North Carolina.

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 force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 218

AN ACT TO AMEND CHAPTER 120, PUBLIC LAWS, EXTRA SESSION, 1924, RELATING TO THE ISSUANCE OF SCHOOL BONDS RESTORING IREDELL COUNTY TO THE PROVISIONS OF THE ORIGINAL ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter one hundred and twenty, Public Laws, extra session, one thousand nine hundred and twenty-four, by striking out the word "Iredell," in line twenty-six of section one.

Amendment placing Iredell County under provisions of act relative to borrowing money for building schoolhouses.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 219

AN ACT TO PERMIT THE COUNTY COMMISSIONERS TO WORK PRISONERS ON THE COUNTY FARM OF COLUMBUS COUNTY.

Whereas, the county of Columbus maintains a county home as required by law for the care and protection of the poor and infirm persons who are entitled to the benefits of said home; and

Whereas, the said county of Columbus maintains in connection with said county home a large farm; and

Whereas, there is not sufficient labor among the inmates of said county home to properly work said farm; and

Whereas, the said county of Columbus has no work house or other place to work female prisoners: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Columbus County is hereby authorized and empowered to transfer some of its convicts from the chain gang which work on the roads of said county to the county farm of said county, and as many of said convicts as, in the discretion of said board

Transfer of convicts.

of county commissioners, are necessary for the work on said farm.

Female prisoners to work on county farm.

SEC. 2. That judges of the Superior Court and of the recorder's court are hereby authorized and empowered to sentence female prisoners to the common jail of Columbus County to be worked on the county farm.

Transfer of female prisoners.

SEC. 3. That the board of county commissioners of Columbus County is hereby authorized and empowered, where female prisoners are sentenced to jail to serve a term imposed by the court, to transfer said female prisoners to the county farm to be worked.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 220

AN ACT VALIDATING CERTAIN BONDS OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Bonds validated.

SECTION 1. The proceedings of the board of county commissioners of Washington County adopted on the second day of February, one thousand nine hundred and twenty-five, authorizing and selling thirty-five thousand dollars funding bonds of the county, and providing for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 221

AN ACT FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS IN ASHE AND WATAUGA COUNTIES.

The General Assembly of North Carolina do enact:

Transfer of authority.

SECTION 1. That all the powers and duties now vested in the board of county commissioners of Ashe County with respect

to the public roads of Ashe County be and the same are hereby transferred to the good roads commission of Ashe County, which is invested with all the powers and duties that the board of county commissioners have heretofore exercised over the public roads of said county.

SEC. 2. That R. L. Reeves, E. M. Osborne and Luther Miller be and are hereby appointed to constitute the good roads commission of the county of Ashe for a period of six years from the ratification of this act; that said good roads commission of Ashe County shall divide the public roads in said county, that are not under the control of the State Highway Commission, into sections of such lengths as in their discretion they deem advisable, and shall employ an overseer or patrolman on each section, who shall employ at least one hand and a team, and be employed for such time as in the discretion of said board it should be employed, to work on said section on said road in maintaining the same; that it shall be the duty of the said patrolman to perform labor himself, together with his employees on the maintenance of said section of said road; that the good roads commission shall fix the uniform price to be paid the laborers and patrolman on said public roads in the county; that the good roads commission shall have the right at any time upon the complaint of any citizen for any cause to discharge said patrolman and employ another in his stead; that said patrolman shall work under the instructions of the good roads commission; that the good roads commission shall ascertain the amount of money that is necessary to maintain the public roads in Ashe County per annum, and shall certify to the board of county commissioners of Ashe County, ten days prior to the meeting of the board of county commissioners at which the taxes of said county are levied, the amount of tax to be levied by the board of commissioners for the maintenance of the public roads of Ashe County, which shall not exceed fifteen cents on each one hundred dollars valuation of property of said county, and the board of county commissioners of Ashe County are hereby directed and commanded to levy said tax; that said tax when collected shall be set aside as a separate fund for the public roads of Ashe County, and shall be expended for this purpose only. That the various trustees in the respective townships of Ashe County are hereby authorized, empowered and directed to ascertain the amount of money necessary to maintain the local and township roads in their respective townships, and shall, at least ten days before the annual meeting of the board of county commissioners of Ashe County at which time taxes are

Appointments on
commission.

Division of roads
of county.

Overseer.

Duties of
overseer.

Tax levy.

Separate fund.

levied, furnish said board of commissioners with the amount of levy required to be used in their respective townships for local roads, which shall not exceed ten cents on each one hundred dollars of valuation of property in said county, and the board of commissioners of Ashe County are hereby directed to levy the same, that said amount shall be collected and set aside as a separate fund and paid by the sheriff of Ashe County to the trustees of said townships, and shall be used exclusively by said trustees on said local roads in said townships.

Maintenance of county roads.

SEC. 3. The good roads commission of Ashe County is hereby authorized and empowered to determine what roads in said county shall be maintained by the county, and which shall be maintained by the road trustees of the respective townships—that is, what roads shall be known as local and township roads, and which roads shall be designated and known as county roads, for the purpose of maintenance. That the good roads commission of Ashe County is authorized to appoint the trustees of the roads in the various townships of the county whenever there is a vacancy on the board, and at no time shall there be more than three members of said board, that said appointment shall be for not exceeding two years. That said local road trustees shall receive the same compensation that is now provided for road trustees of Ashe County. That all questions, powers and duties of the good roads commission a majority of said commission shall control.

Vacancy on board.

Compensation.

Road funds.

SEC. 4. That all the road funds of Ashe County shall be under the control of the good roads commission of Ashe County who shall deposit the same in some bank in North Carolina and there to remain on deposit, except when drawn out and expended for the purposes provided for in this act. The good roads commission of Ashe County is hereby authorized and empowered to make such contract with some bank in regard to the sinking fund provided for by law for the payment of bonds heretofore issued by Ashe County, and for those issued under the provisions of this act, and for the money borrowed on notes under the provisions of this act as in their opinion would be to the best interest of the public, and to cover such period of time as in their opinion would be proper and just; said contract in regard to the sinking fund not to extend beyond the date of the maturity of said bonds for which said fund is collected and held.

Contract in regard to sinking fund.

Sheriff to deposit funds.

SEC. 5. That the sheriff of Ashe County in his official capacity as sheriff and treasurer of said county, is hereby directed to deposit all public funds collected by him, either for road purposes or for any other public business of Ashe County,

in The First National Bank of West Jefferson, North Carolina, and that the same shall remain on deposit there until drawn out by him in the due course of his official capacity; that said sheriff shall not violate the provisions of this act either directly or indirectly.

The clerk of the Superior Court of Ashe County is hereby directed to deposit all public funds that come into his hands by virtue of his office, in The First National Bank, there to remain on deposit during his term of office, or until drawn out in the regular course of his official business; that if either the clerk of the Superior Court or sheriff of Ashe County violates the provisions of this section of this act, they may be removed from office by quo warranto proceedings.

Clerk of court
to deposit funds.

SEC. 6. That the good roads commission of Ashe County shall hold their meetings on the second and fourth Mondays in each month for the purpose of transacting their business, and may call special meetings for special purposes at such time and place as the board may determine, and shall receive as compensation for their services the sum of three dollars (\$3) per day and their actual expenses.

Meetings of
commission.

SEC. 7. That the good roads commission of Ashe County is hereby authorized to issue negotiable bonds or notes of said county in an aggregate amount not exceeding one hundred thousand dollars (\$100,000) for the purpose of constructing or improving the public roads in said county hereinafter specified. The board of county commissioners is hereby authorized and required to levy annually a sufficient special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of said bonds or notes as such principal and interest fall due.

Compensation.

Bond issue
authorized.

SEC. 8. Said bonds or notes may be issued as one issue or divided into two or more separate issues. They shall mature in such manner that the aggregate principal amount of each issue, unless made wholly payable within five years after the date of the issue, shall be payable in annual installments, beginning not more than five years after such date of issue and ending not more than twenty years after such date of issue. No such installment of principal shall be more than two and one-half times as great in amount as the smallest prior installment of principal of the same issue.

Ad valorem tax.

Issue of bonds.

Maturity.

SEC. 9. Said bonds or notes shall be issued in such denominations, shall bear interest at such rate, not exceeding six per cent per annum, payable semiannually, and shall be made payable at such place or places, as said good roads commission may determine. They may or may not have interest coupons

Denominations;
rate of interest.

attached thereto, as the said board may direct; and if issued in coupon form, they may be registerable as to principal or both principal and interest. They shall be signed by the chairman of the said good roads commission and the county seal shall be affixed thereto or impressed thereon and attested by the clerk of the board of county commissioners, but coupons of such bonds or notes need not be authenticated otherwise by a facsimile signature of both of said officers.

Bond sale.

SEC. 10. Said bonds or notes shall be sold by said board of good roads commission in the manner prescribed by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of bonds of cities and towns; *Provided, however,* that notes which mature within two years after the ratification of this act may be sold at public or private sale, with or without advertisement, as the said board may direct. None of said notes or bonds shall be sold for less than par.

Purpose of bonds.

SEC. 11. Notes issued under this act which mature within two years after the ratification of this act may be paid by means of the proceeds of bonds issued under this act. Bonds may be issued for the purpose of paying such notes notwithstanding the limitation of amount prescribed by this act; *Provided,* that the principal amount of the bonds issued for said purpose shall not exceed the principal amount of the notes to be so paid.

Deposit of proceeds.

SEC. 12. The proceeds of the sale of all bonds or notes issued under this act, exclusive of the proceeds of bonds issued to pay notes as provided herein, shall be placed by the county treasurer in some national bank in North Carolina, in a separate fund and used only for the purpose of paying the cost of constructing or improving public roads in Ashe County as follows:

Special commissioners.

That John Ballou, W. M. Wiles and W. P. Johnson be and are hereby appointed special commissioners for the purpose of constructing a public road from the State highway near S. Alexander's so as to intersect with the Helton road near C. M. Dickson's, following the old road as near as practicable, making such changes as may be deemed necessary in the discretion of said commissioners, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be used by said commissioners in the construction of said road.

Amount for construction of road.

Special commissioners.

That E. F. Gambill, W. T. Gambill and W. S. Sturgill be and are hereby appointed special commissioners for the purpose of constructing a public road beginning at the south

fork of New River at a point where the road goes up to the John Taylor place, and where it leaves the river, so as to intersect with the Weavers Ford road, via E. F. Gambill's residence, the exact location of said road to be made in the discretion of said commissioners, said road to be so constructed as to intersect with the river at or near the Dr. J. C. Gambill place; said commissioners are also authorized and empowered to construct and rebuild the road from the Dr. J. C. Gambill place to Jones Branch, and the good roads commission of Ashe County is hereby authorized to turn over to said special commissioners, from the proceeds of the sale of the bonds provided for in this act, the sum of four thousand five hundred dollars (\$4,500) to be used by said commissioners in the construction of said road.

Sum for road construction.

That Garfield Hodgson, Dwight Hodgson and W. J. Ray be and are hereby appointed special commissioners for the purpose of building and constructing a public road from the ford of the creek to Riddle's store on Buffalo Creek up said creek to the township line above Garfield Hodgson's and from Buffalo Church up the creek to W. J. Ray's residence, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, from the proceeds of the sale of the bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be used by said special commissioners in the construction of said roads.

Special commissioners.

Sum for road construction.

That John Eller, Isaac Hudler and Emmett Plummer be and are hereby appointed special commissioners for the purpose of reconstructing a public road from the bridge across New River near Crumpler, N. C., so as to intersect with the public road near the Jim Gambill place, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, from the proceeds of the sale of bonds provided for in this act, the sum of five hundred dollars (\$500) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That Nelson Severt, Andy Atwood and Peter Sheets be and are hereby appointed special commissioners for the purpose of reconstructing and building the old road from the State highway at or near A. L. Miller's to the top of the hill near T. K. Miller's residence so as to intersect with the Jefferson and Laurel Springs highway, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, from the proceeds of the sale of bonds provided for in this act, the sum of five

Special commissioners.

Sum for road construction.

thousand dollars (\$5,000) to be used by said special commissioners in the construction of said road.

Special
commissioners.

That J. W. Callaway, D. H. Burgess and Jesse Baker be and are hereby appointed special commissioners to rebuild and construct a road from the public road at or near D. H. Burgess' residence to J. W. Callaway's residence, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That J. C. Crawford, H. H. Burgess and Newton Bare be and are hereby appointed special commissioners to rebuild and construct a public road from Canoe Gap to Glendale Springs, and the good roads commission of Ashe County is hereby authorized and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That J. O. Goodman, J. C. Goodman and Will Ray be and are hereby appointed special commissioners to build and construct a public road from a point in the public road near J. O. Goodman's residence, crossing the ridge by W. G. Ray's residence, so as to intersect with the State road near Eugene Ray's, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of fifteen hundred dollars (\$1,500) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That James Rowland, H. M. Miller and John Weaver be and are hereby appointed special commissioners to build and construct a road from the steel bridge across the north fork of New River above Henry Miller's residence to the school house near James Rowland's residence, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That Jake Jones, Milton Roark and A. A. Jones be and are hereby appointed special commissioners to build and construct a road from the mouth of Coplin Creek so as to intersect with the public road near the iron bridge across the north fork of New River above the C. R. Latham residence, and the

good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of one thousand dollars (\$1,000) to be used by said special commissioners in the construction of said road.

Sum for road construction.

That Fred Krider, Will Callaway and Wood Bledsoe be and are hereby appointed special commissioners to build and reconstruct the public road from Todd leading towards Creston as far as Will Callaway's residence, and the good roads commission of Ashe County is authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of four thousand dollars (\$4,000) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That John D. Burgess, W. H. Crepps and W. H. Sheets be and are hereby appointed special commissioners to rebuild and construct a public road from W. H. Sheets' mill on Bear Creek following the old Kelsey survey as near as practicable to the mouth of Bear Creek, so as to intersect with the highway at or near Bear Creek, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of one thousand dollars (\$1,000) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That G. W. Brown, J. F. Severt and Luther Woodie be and are hereby appointed special commissioners to reconstruct and rebuild the public road leading from Glendale Springs, via the Brown boys' residence, and up by C. L. Mash's residence and to the fork of the road at J. C. Crawford's, and also to improve the road from C. L. Mash's to the bridge on the Jefferson-Wilkesboro road above the Frank Brown mill place, as well as to improve the road from J. F. Severt's to Luther Woodie's residence, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of twenty-five hundred dollars (\$2,500) to be used by said special commissioners in the construction and improvement of said road.

Special commissioners.

Sum for road construction.

That J. S. Brown, R. B. Brown and Dr. J. B. Hagan be and are hereby appointed special commissioners to build and reconstruct a public road from the Watauga County line above the new bridge at Brownwood and via Brownwood; and also to improve the road from Harve Phillips' residence to

Special commissioners.

the ford of the river at George Days, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be used by said special commissioners in the construction and improvement of said roads.

Sum for road
construction.

Special
commissioners.

That J. W. Thompson, E. L. Ham and John Goss be and are hereby appointed special commissioners to improve and rebuild the public road from Sabbath Home Church to the old F. S. Hampton homeplace, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That B. F. Tucker, E. D. Davis and C. N. Davis be and are hereby appointed special commissioners to improve the Hurricane road, beginning at the top of the mountain where Little Horse Creek and Little Wind Fall roads intersect; then to the voting place in Hurricane township so as to intersect with the Park road, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of one thousand dollars (\$1,000) to be used by said special commissioners in the construction of said road.

Sum for road
construction.

Special
commissioners.

That G. S. Yates, J. E. Walters and E. D. Severt be and are hereby appointed special commissioners to build and construct the public road from the concrete highway near the gate in front of Captain Dent's residence so as to intersect with the public road that leads from Ore Knob to Jefferson, via the mouth of Roans Creek at a point near J. E. Walters' residence, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of one thousand dollars (\$1,000) to be used by said special commissioners in the construction of said road.

Sum for
road
construction.

Special
commissioners.

That Charley Hurley, Ervin Young and E. M. Osborne be and are hereby appointed special commissioners to rebuild and reconstruct a road from the voting precinct at the old Will Perkins place to Sussex, starting near the end of the surface road at Helton voting place; then via Little Helton schoolhouse at C. F. Segraves and George W. Ellers to Sussex, and to also improve the road from Little Helton schoolhouse to

connect with the Virginia State road at the State line near Greenwood Church—not more than one thousand dollars (\$1,000) to be expended on the improvement of this road; also to improve and construct a road from Sussex, via J. A. Pierce's residence so as to intersect with the public road near the mouth of Helton, that the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be spent by said special commissioners on the improvement of the road from Sussex to the mouth of Helton, via J. A. Pierce's residence, and one thousand dollars (\$1,000) to be spent by said commissioners on the improvement of the road from Little Helton schoolhouse to the Virginia line near Greenwood Church, and three thousand dollars (\$3,000) to be spent on the improvement from Sussex to the mouth of Helton.

Sum for road improvement.

That J. F. Blackburn, A. P. Mash and C. L. Mash be and are hereby appointed special commissioners to rebuild and reconstruct the public road from the Snake Den Creek to Bowie, the cost not to exceed fifteen hundred dollars (\$1,500) and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of fifteen hundred dollars (\$1,500) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That C. M. Yates, R. F. Day and T. M. Norris be and are hereby appointed special commissioners to build and construct a road from the ford of the river above Bowie up the waters of Cranberry Creek to the Watauga County line, a distance of about two and one-half (2½) miles, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act the sum of three thousand dollars (\$3,000) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That the road trustees of Chestnut Hill Township are hereby authorized and empowered to use the funds they now have on hand a sufficient amount to improve the road that lay in Jefferson Township between the two creeks coming up from the river to the Maggie Smith place.

Use of funds by road trustees.

That Flem Eldreth, Fielden Shepherd and Arthur Sheets be and are hereby appointed special commissioners to reconstruct the road from White Oak Schoolhouse up by Oliver Ham's

Special commissioners.

residence up as far as the fork of the road at Fieldon Shepherd's as the funds will extend, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of fifteen hundred dollars (\$1,500) to be used by said special commissioners in the construction of said road.

Sum for road construction.

Special commissioners.

That R. L. Reeves, Carrol Kilby and J. C. McNeill be and are hereby appointed special commissioners to build and reconstruct the road beginning at a point on the Jefferson-Grassy Creek road near the old Bowers place, and then by Carrol Kilby's over to Deep Ford of south fork of New River, and then to Bina, the location of said road being left in the sound discretion of said commissioners, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of five thousand dollars (\$5,000) to be used by said special commissioners in the construction of said road.

Sum for road construction.

Proceeds of bond sale.

That the good roads commission of Ashe County is hereby authorized and directed to turn over, out of the proceeds of the sale of bonds provided for in this act, the sum of twenty-five hundred dollars (\$2,500) to be used by Elihu Graybeal, W. A. McMillan and B. F. Kilby, special commissioners heretofore appointed to build and construct a road up Laurel Creek, said amount to be used by said commissioners in putting sand, gravel or crushed stone on said road.

Proceeds of bond sale.

That the good roads commission of Ashe County is hereby authorized to turn over to W. J. Price, Jas. V. Goodman and Jethro Goodman, out of the proceeds of the sale of bonds provided for in this act, the sum of twenty-five hundred dollars (\$2,500) to be used in putting gravel, crushed stone or sand on the road leading from Beaver Creek towards Idlewild, North Carolina, which has been improved by a special act of the Legislature.

Proceeds of bond sale.

That the good roads commission of Ashe County is hereby authorized and directed to turn over to J. C. Green, H. H. Lemley and V. L. Moretz, out of the proceeds of the sale of the bonds provided for in this act, the sum of four thousand dollars (\$4,000) to be used by them in the improvement of the public road from Bowie to the Watauga County line.

Proceeds of bond sale.

That W. J. McEwen, R. P. Baker and W. K. Harris be and are hereby appointed special commissioners to improve the public road from Creston up Three Top Creek to the ford of the creek above W. K. Harris, and the good roads commission of Ashe County is hereby authorized to turn over to

said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be used by said special commissioners on the improvement of said road.

That Will L. Weaver, Albert Perry and Willie Graham be and are hereby appointed special commissioners to improve the road from Tuckerdale up Horse Creek, via Nella to the mouth of Mud Creek beyond, and the good roads commission of Ashe County is hereby authorized and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of four thousand dollars (\$4,000) to be expended by them.

Proceeds of bond sale.

That M. M. Blevins, Jesse Vannoy and Everett Little be and are hereby appointed special commissioners to improve the public road leading from the Grassy Creek road at a point near Walnut Hill voting place, via M. M. Blevins' residence so as to intersect with the Jefferson-Sparta road at or near Nathans Creek postoffice, and the good roads commission of Ashe County is hereby authorized and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of three thousand dollars (\$3,000) to be used by said special commissioners in the improvement of said road.

Special commissioners.

Sum for road improvement.

That Bob Miller, Albert Cox and Charlie Woodie be and are hereby appointed special commissioners to improve and construct a public road from the mouth of Brush Creek up the river so as to give a convenient road and outlet for the families living along either side of said river; said road to intersect with the road leading from Foster Mashers' residence to the mouth of Obids, beginning the construction of said road at the Jefferson-Wilkesboro road or turnpike at or near the mouth of Brush Creek going up the river and crossing the same wherever the discretion of said special commissioners say it should cross, keeping it at all times above high-water level, and construct said road as far as the funds hereinafter provided will enable said commissioners to so do; that the good roads commission of Ashe County is hereby authorized and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of one thousand dollars (\$1,000) to be used by said special commissioners in the construction of said road.

Special commissioners.

Sum for road construction.

That J. E. Johnson, J. E. Moretz and T. P. Scott be and are hereby appointed special commissioners to improve the public road leading from Bowie to the ford of the river known as the Riley Greer Ford, and the good roads commission of

Special commissioners.

Ashe County is hereby authorized and directed to turn over to said special commissioners, out of the proceeds of the sale of the bonds provided for in this act, the sum of fifteen hundred dollars (\$1,500) to be used by said special commissioners in the construction of said road.

Sum for road construction.

Special commissioners.

That J. A. Richardson, David Harless and Arthur Graybeal be and are hereby appointed special commissioners for the purpose of improving and constructing a road from West Jefferson over to the Buffalo road near Garfield Hodgson's cattle barn, or as near thereto as the funds will permit, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be used by said special commissioners in the construction of said road.

Sum for road construction.

Special commissioners.

That Dr. B. C. Waddell and Meredith Gautney be and are hereby appointed special commissioners to rebuild and reconstruct the road from Weavers Ford to the State road near Healing Springs, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of fifteen hundred dollars (\$1,500) to be used by said special commissioners in the reconstruction of said road.

Sum for road construction.

Special commissioners.

That W. N. G. Wilborne, H. K. Miller and Beldon Osborne be and are hereby appointed special commissioners to reconstruct and improve the public road from the State highway at or near W. N. G. Wilborne's up Peak Creek towards the gap of the mountain, and the good roads commission of Ashe County is hereby authorized, empowered and directed to turn over to said special commissioners, out of the proceeds of the sale of bonds provided for in this act, the sum of two thousand dollars (\$2,000) to be expended by said commissioners on said road.

Sum for road.

Additional powers.

SEC. 13. The powers granted by this act are granted in addition to and not in substitution for existing powers of Ashe County, and are not subject to any limitation or restriction contained in any other law. Nothing herein shall prevent Ashe County from issuing bonds under any existing act as well as under this act.

Compensation.

SEC. 14. That none of the special commissioners in this act shall receive any compensation for their services for superintending the building and construction of the roads provided for in this act, except when they perform manual labor on said roads, that they shall receive compensation as same as

other parties working on said road, and none of the funds provided for the construction of said roads in this act shall be used to pay damages for the location for the construction of said roads.

That as soon as the various roads provided for in this act have been completed and the money appropriated therefore expended, the special commissioners appointed in this act shall file with the clerk of the Superior Court an itemized, verified statement of all funds they expended under and by virtue of this act, and that all funds provided for in this act shall be deposited by said special commissioners in The First National Bank of West Jefferson, North Carolina, and the same shall remain on deposit during the construction of said roads, and shall not be withdrawn from said bank by said commissioners, except in the due course of construction of said roads, and for the expenditures for the construction of said roads.

Upon completion
of road.

SEC. 15. That the board of county commissioners of Watauga County are hereby authorized, empowered and directed to issue either bonds or notes to the amount of six thousand dollars (\$6,000) under the same terms and conditions as provided for in sections seven, eight, nine, ten and eleven of this act, for the purpose of building and constructing the following roads, a public road from a point on the Watauga and Ashe County line at or near Gap Creek Church where the improved road from Bowie, via Hopkins crosses the Watauga County line to a point at or near A. G. Miller's store on the Boone Trail highway number sixty, said road shall be constructed by H. A. Green, J. E. Luther and Alonzo Miller, who are hereby appointed special commissioners to construct said road, and the board of county commissioners of Watauga County are hereby authorized to turn over to said special commissioners the sum of two thousand dollars (\$2,000) from the proceeds of the sale of bonds or notes authorized in this section of this act.

Bond issue
authorized.

That Isaac Church, Thomas Miller and J. W. Green be and are hereby appointed special commissioners to build and construct the public road from the Watauga County line, beginning at a point near Cranberry Church and via Eliza Phillips' place and up Meadow Creek, so as to intersect with the Boone Trail State Highway number sixty at a point at or near Charlie Watson's place, a distance of about four (4) miles, and the board of county commissioners of Watauga County are hereby authorized to turn over to said special commissioners the sum of four thousand dollars (\$4,000) from the proceeds of the sale of bonds or notes, to be used by said special commissioners in the construction and improvement of said road; that said commissioners provided for in this

Special
commissioners.

Sum for road
improvement.

section of this act shall make their report after the construction of said road, as provided for other special commissioners in this act.

Signature
of bonds.

That the bonds or notes issued by the county commissioners of Watauga County under the provisions of this section, shall be signed by the chairman of the board of county commissioners of Watauga County, and attested by the clerk of the board and the county seal of Watauga County, affixed. The board of county commissioners of Watauga County are hereby authorized and required to levy annually a sufficient special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of said bonds or notes as such principal and interest fall due.

Ad valorem tax.

Application
of act.

SEC. 16. That this act shall apply to Ashe County only with the exception of section fifteen, which shall apply to Watauga County only.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 222

AN ACT TO AUTHORIZE THE LENDING OF PUBLIC SINKING FUNDS, IN MONTGOMERY AND RANDOLPH COUNTIES, TO LOCAL BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Commissioners
authorized lend
sinking funds.

SECTION 1. That the board of commissioners of Montgomery and Randolph counties, the commissioners or governing bodies of all cities and towns in said counties, and the boards, trustees or other authorities in charge of schools, roads or other public institutions or public works in said counties, are hereby authorized and empowered to lend the various sinking funds in their hands or under their control, arising or hereafter to arise, in connection with public bond issues, to the various building and loan associations, chartered by the State of North Carolina and having their principal places of business in said Montgomery and Randolph counties, upon approved collateral security, deposited with the notes of said building and loan associations: *Provided*, said collateral security shall consist of the first mortgage bonds executed to said associations, together with and secured by the first mortgages or deeds of trust held by said associations, having a first lien on real estate located in said Montgomery and Randolph counties; and

Provided, further, that the value of the collateral so deposited shall be double the sum of money loaned from said sinking funds, in each and every case.

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

Conflicting
laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 223

AN ACT TO AUTHORIZE STANLY COUNTY TO ISSUE BONDS FOR ROADS AND BRIDGES.

Whereas, pursuant to an act entitled "An act to authorize the board of road commissioners of Stanly County to borrow money for the completion and construction of new roads and bridges in said county," ratified the twenty-second day of August, one thousand nine hundred and twenty-four, the board of road commissioners of Stanly County has borrowed fifty thousand dollars for the construction of roads and bridges in said county and has issued notes for said amount which are now outstanding; and

Preamble.

Whereas, said board is now in need of funds to pay said notes and also to complete roads now in process of construction and to build other roads and bridges which are imperatively demanded by the people and the public convenience and good of the public: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road commissioners of Stanly County is hereby authorized and empowered to issue and sell bonds of Stanly County to an amount not exceeding two hundred thousand dollars (\$200,000), bearing interest at a rate not exceeding six (6) per centum per annum, payable semiannually, which bonds shall be known as "Road and Bridge Bonds," shall mature at such time or times not exceeding twenty years from their date, shall be payable in such medium and at such place or places within or without the State of North Carolina and shall be in such form as said board shall by resolution prescribe, and shall be executed in the name of Stanly County by the chairman of the board of road commissioners of said county and sealed with the seal of said board, attested by the secretary thereof and also sealed with the seal of the county, attested by the register of deeds, who is hereby authorized and re-

Bond issue
authorized.

Maturity;
payment; etc.

quired to affix said seal and attest the same whenever he shall be requested to do so by said board of road commissioners.

Bond sale.

SEC. 2. Said bonds may be sold at either public or private sale in the discretion of said board of road commissioners and the proceeds of sale shall be applied to the payment of the outstanding notes, the completion of work now in process of construction and the building of new roads and bridges in and for said county, but the purchaser shall not be required to see to the application of the proceeds.

Authorizing resolutions to be filed.

SEC. 3. Whenever the board of road commissioners shall authorize the issuance of any of said bonds, a copy of the authorizing resolution shall be filed with the register of deeds, and the board of county commissioners of Stanly County shall thereafter annually levy and collect a tax on all taxable property in said county sufficient to pay the interest on said notes or bonds, and the principal thereof, as the same may become due.

Conflicting laws repealed.

SEC. 4. That no further borrowings shall be made under authority of the act recited in the preambles hereof, and all laws and clauses of laws in conflict with this act be and the same are hereby repealed in so far as it applies to Stanly County only.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 224

AN ACT TO PROVIDE FOR THE RETIREMENT OF BONDS ISSUED FOR THE HUNTLEY STOCK LAW DISTRICT OF RUTHERFORD COUNTY.

Whereas, the Huntley Stock Law District, Rutherford County, was created under the general laws of North Carolina and there is now outstanding in bonds in said stock law district the sum of eight hundred and ten dollars, principal; and

Preamble.

Whereas, under the general laws of the State of North Carolina only twenty-five cents on the one hundred dollar valuation of property can be levied each year for the purpose of paying the interest and retiring the bonds at maturity; and

Whereas, a levy of sixty cents on the one hundred dollar valuation of property in said district would pay the interest and enable the bonds to be retired within two years: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Rutherford County be and they are hereby empowered, authorized and directed to levy a tax of sixty cents on the one hundred dollar valuation of property in the Huntley Stock Law District for the years one thousand nine hundred and twenty-five and one thousand nine hundred and twenty-six for the purpose of paying the interest and retiring the outstanding bonds of said Huntley Stock Law District.

Tax levy authorized.

SEC. 2. That the treasurer of Rutherford County is hereby authorized, empowered and directed, upon the receipt of the taxes for the year one thousand nine hundred and twenty-five, to pay the interest and one-half of the principal of the said bonds issued for the Huntley Stock Law District and now outstanding and for the year one thousand nine hundred and twenty-six to pay the interest and retire the remainder of said bonds.

Treasurer given authority.

SEC. 3. That after the payment of the principal of said bonds no further taxes shall be levied within the Huntley Stock Law District on account of said stock law bonds.

No further taxed.

SEC. 4. That this act shall apply only to Rutherford County.

Application of act.

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

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 225

AN ACT TO PROHIBIT MINORS FROM USING FIREARMS IN HARKERS ISLAND TOWNSHIP, CARTERET COUNTY, UNLESS ACCOMPANIED BY AN ADULT.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person under the age of eighteen (18) to possess, own, carry or shoot, or cause to be carried or shot, any shot-gun, rifle, pistol or air-rifle within the limits of Harkers Island Township, Carteret County, unless such minor at the time of possessing, owning, carrying or shooting such shot-gun, rifle, pistol or air-rifle be accompanied by some adult in the position of parent, guardian or other protector: *Provided*, that this act shall not apply to the waters surrounding Harkers Island.

Minors not to own, carry or shoot firearms.

Unlawful sell
firearms to
minor.

SEC. 2. It shall be unlawful for any merchant, firm or corporation to sell, or other person to furnish, any of the above-named arms to any minor affected by this act, unless upon the written consent of said minor's parent or guardian.

Violation
misdemeanor;
penalty.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

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 force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 226

AN ACT TO REGULATE THE SALE OF MERCHANDISE ON SUNDAY IN THE COUNTY OF LINCOLN.

The General Assembly of North Carolina do enact:

Sale of
merchandise on
Sunday unlaw-
ful; exceptions.

SECTION 1. That no person, firm or corporation in the county of Lincoln shall expose for sale, sell or offer for sale on Sunday any goods, wares, or merchandise, except as hereinafter permitted; and no store, shop or other place of business in which goods, wares or merchandise of any kind are kept for sale shall keep open doors from twelve o'clock midnight Saturday night until twelve o'clock midnight Sunday night: *Provided*, that this section shall not be construed to apply to hotels or boarding or lodging houses for actual guests, or to restaurants or cafes furnishing meals to actual guests, where the same are not otherwise prohibited by law from keeping open on Sunday but such restaurants or cafes outside of the corporate limits of the town of Lincolnton shall close not later than twelve o'clock midnight Saturday and remain closed until twelve o'clock midnight Sunday night; and also shall not apply to undertakers: *Provided further*, that drug stores with licensed pharmacists may be kept open for the sale of goods to be sold for medical or surgical purposes only: *Provided further*, that nothing in this section shall be construed to prohibit livery stables and garages from operating on Sunday or to prohibit the sale of gasoline and oil or to prohibit publication and sale of newspapers: *Provided*, that all such garages and gasoline filling stations shall close and remain closed during the hours between nine-thirty a.m. and twelve-thirty p.m. on Sun-

Proviso: does
not apply to
hotels, etc.

Further
provisos.

days: *Provided further*, that ice dealers and dairies may remain open for the sale and delivery of ice and dairy products: *Provided further*, that this act shall not be construed to repeal any ordinance of the town of Lincolnton, North Carolina, relative to Sunday nor to limit the power of the town of Lincolnton to enact ordinances relative to Sunday.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days.

Violation
misdemeanor;
penalty.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 227

AN ACT TO VALIDATE THE NOTARIAL ACTS OF C. H. MATTHEWS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of the notarial acts of C. H. Matthews, a notary public of Halifax County, and all probates taken by him, whether for or on account of any corporation of which he was, at the time, a stockholder, or otherwise, from the first day of January, one thousand nine hundred and nineteen up to and including the first day of January, one thousand nine hundred and twenty, be and the same are hereby in all respects validated.

Notarial acts
validated.

SEC. 2. That this act shall not apply to or affect any pending litigation.

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

Application
of act.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 228

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF SCOTLAND COUNTY TO PLACE OFFICERS OF SAID COUNTY ON A SALARY BASIS AND FIX THEIR SALARIES.

The General Assembly of North Carolina do enact:

SECTION 1. The clerk of the Superior Court, the sheriff and the register of deeds of Scotland County shall be paid a salary

Compensation clerk of court, register of deeds and sheriff to be fixed by board of county commissioners.

Proviso: not to be changed during term of office; effect of act.

in lieu of fees, the said salary in each instance to be fixed by the county commissioners of said county in regular session: *Provided, however,* that this act shall not go into effect except after a sufficient investigation into the facts as the said board of county commissioners may deem best and upon approval by them and resolution to that effect at any one of their regular meetings: *Provided further,* that no change shall be made in the manner of compensating the said officers, nor any one of said officers, during his term: *Provided further,* that it may be proper, and the said commissioners are hereby authorized, to apply the said change from a fee to a salary basis as to all of said officers or as to any one of them.

SEC. 2. This act shall be in force from and after its ratification; but it shall not be enforced as to any of said officers except upon resolution of the board of county commissioners at a regular meeting, as hereinbefore provided.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 229

AN ACT TO REGULATE THE DUTIES OF THE SHERIFF OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Sheriff to have tax books audited.

SECTION 1. That the sheriff of Bertie County, upon the expiration of the term of office of the said sheriff of said county by resignation, death, or from any other cause, shall have the tax books containing the tax lists of said county audited under the direction of the board of county commissioners of said Bertie County, and upon the return of said audit and approval by said commissioners, the said sheriff shall be required to make full settlement of all tax moneys in his hands; and thereupon the said sheriff and his official bond shall be relieved from any further duties or obligations for the collection of and accounting for any tax moneys not collected by him, and that his successor in office shall receive and accept the said tax lists for collection and perform all further duties in connection with said tax lists by virtue of said office: *Provided,* that this act shall in no way relieve the said sheriff from performing the duties of said office prior to the expiration of said term, or in any way relieve him from any obligation in connection therewith except as herein provided.

Settlement of tax moneys.

Sheriff and bondsmen discharged.

Conflicting laws repealed.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 230

AN ACT TO AMEND CHAPTER 15, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, EXTRA SESSION, 1924, RELATING TO THE SALE OF ROAD MATERIAL IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter fifteen, Public-Local Laws, extra session, one thousand nine hundred and twenty-four, be and the same is hereby amended by adding at the end of said section the following: "And it shall be lawful for the said road commission to purchase supplies and material to be used in road construction or bridge building from the cheapest available source, and where any member or members of said commission has material which he can sell to the board as cheap or cheaper than it can be purchased elsewhere, it shall be lawful for him to do so."

Amendment.

Road commission to purchase supplies and material at cheapest price.

SEC. 2. That this act shall apply as of the date of the passage of chapter three hundred and twenty-six, Public-Local Laws one thousand nine hundred and twenty-one.

Application of act.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed in so far as they relate to Mitchell County.

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 231

AN ACT TO CONTROL BEGGING IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to solicit alms, money or supplies, by direct appeal, such as offering for sale merchandise or wares of any description, or otherwise soliciting material aid by what is commonly known as begging, within the boundaries of Franklin County,

Unlawful solicit alms.

Permits of
sheriff on
recommendation
county welfare
officer.

without first obtaining a permit from the sheriff, upon written recommendation of the superintendent of public welfare.

SEC. 2. That permits may be granted by the chief of police of any incorporated town within the county, valid only in said town, upon the written recommendation of the superintendent of public welfare of said county.

Investigation by
superintendent
public welfare.

SEC. 3. That it shall be the duty of the superintendent of public welfare of Franklin County, to make investigation to determine the worthiness and justice of and in all applications to him to solicit under this act, and become fully satisfied that the particular case is bona fide and proper, and not within the reach of the established channels of charity, before issuing his recommendations.

Investigation
by sheriff.

SEC. 4. That the sheriff, any police officer, constable, or the superintendent of public welfare shall investigate all beggars to ascertain whether such beggar or beggars are operating under a permit.

Violation
misdemeanor;
penalty.

SEC. 5. Any person violating the provisions of this statute or any part thereof shall upon conviction be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned for a term not exceeding thirty days.

Conflicting
laws 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 force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 232

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF GRAHAM COUNTY TO ISSUE BONDS FOR THE PURPOSE OF PAYING OUTSTANDING INDEBTEDNESS, AND TO AUTHORIZE A TAX TO RETIRE SAID BONDS.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of county commissioners of Graham County is hereby authorized and empowered to issue and sell the bonds of Graham County in an amount up to and not exceeding seventy-five thousand dollars (\$75,000) for the purpose of obtaining funds sufficient to pay the indebtedness properly incurred for necessary general expenses now due and outstanding.

Purpose.

Use of proceeds;
proviso clauses.

SEC. 2. The proceeds arising from the sale of any bonds issued under the provisions of section one of this act shall

be used for the purpose of meeting the obligations mentioned in section one of this act, and for no other purpose whatsoever: *Provided*, the purchasers of said bonds shall not be required to see the proper application of the proceeds of said bonds; and *provided further*, that the necessary expenses incident to the issue and sale of said bonds may be paid out of the proceeds arising from the sale of said bonds.

SEC. 3. That the bonds issued under the provisions of this act shall be issued in any denominations in the discretion of the board of county commissioners, and shall be for a term of thirty (30) years not to exceed six per cent.

Denominations;
terms; rate of
interest.

SEC. 4. The board of county commissioners of Graham County is hereby authorized, empowered, and directed to levy and collect each year, following the issue of bonds authorized in this act, on all real and personal property within Graham County, a special tax sufficient to pay the interest on said bonds and to create a sinking fund adequate for the retirement of said bonds at maturity. The said special tax shall be levied and collected and the proceeds arising from said special tax shall be used for the purposes specified in this section and no other purpose whatsoever.

Special tax.

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

Conflicting
laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 233

AN ACT TO REPEAL CHAPTER 553 OF THE PUBLIC-LOCAL LAWS OF 1919, AND TO PREVENT DEPREDATIONS OF DOMESTIC FOWLS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and fifty-three of the Public-Local Laws of nineteen hundred and nineteen be and the same is hereby repealed.

Chapter
repealed.

SEC. 2. That it shall be unlawful for any person or persons owning chickens or other barnyard or domestic fowls to permit the same to run at large, after being notified as provided by section three of this act, upon any lands that may be cultivated in any kind of grain, or feed stuff, garden truck or flowers, or used for gardens or for ornamental purposes.

Unlawful fowls
run at large.

Violation
misdemeanor;
penalty.

SEC. 3. That any person so permitting his fowls to run at large after three days written notice to keep them up shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars or imprisoned not more than ten days; and each day said fowls are permitted to run at large, after said notice in writing is given, shall constitute a separate offense.

SEC. 4. That this act shall apply only to Wake County.

SEC. 5. That this act shall take effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 234

AN ACT TO AMEND CHAPTER 328 OF THE PUBLIC-LOCAL LAWS, 1919, AND CHAPTER 472, PUBLIC-LOCAL LAWS, 1923, RELATING TO THE ROAD COMMISSIONERS AND THE PUBLIC ROADS OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and twenty-eight of the Public-Local Laws of one thousand nine hundred and nineteen and section one of chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and twenty-three be and they are hereby repealed and the following inserted in lieu thereof:

"That Charles H. Jenkins of Mitchell's Township; W. T. Tadlock of Windsor Township; D. A. Askew of Colerain Township; E. D. Spruill of Indian Woods Township; A. Capehart of Roxobel Township; T. N. Peele of Woodville Township; W. R. Smith of Merry Hill Township; J. F. Taylor of Whites Township; and J. G. Bazemore of Snakebite Township be and they are hereby appointed and constituted a board of road commissioners for Bertie County; that each of said members of said board of road commissioners shall be responsible for and have the supervision of the road work in his respective township; subject, however, to the general control and supervision and direction of the regular board of road commissioners of Bertie County, in such manner as the full board may order and designate; that the terms of all of said commissioners shall commence on the first Monday in April, one thousand nine hundred and twenty-five, and shall continue until their successors are duly elected and qualified as herein provided. That at the next regular election in the year one

Amendment
substituting
new road
commission.

Road
commissioners.

Duties.

thousand nine hundred and twenty-six, and biennially thereafter, the qualified voters of each respective township shall nominate a candidate for said office of road commissioner from the said township in the primary to be held and at the said general election the qualified voters of each respective township only shall elect said commissioner to succeed the commissioners then holding office on said board of road commissioners and such township to begin his term of office on the first Monday in December thereafter by taking the oath of office; and that each of said commissioners of said board of road commissioners shall perform the duties now prescribed for the said board under the existing law. Each member of the board of road commissioners of said county shall, before entering upon the duties of his office, take and subscribe an oath before the clerk of the Superior Court of Bertie County for the faithful performance of his duties as said member of said board. If for any reason, by failure to qualify, death, resignation or otherwise, a vacancy shall occur in said board the clerk of the Superior Court of Bertie County shall fill such vacancy by appointing thereto a competent and discreet qualified elector of said township for which the said vacancy occurs and the said appointee shall hold office for the unexpired portion of the term for which he was appointed and until his successor is elected and qualified.

Nomination
candidate.

Oath.

Vacancy.

"The said board of road commissioners may delegate any and all powers, authority and duties conferred upon them by said acts, not inconsistent with their proper performance of the same, to special committees, or subcommittees, which said committees so designated and authorized by said board shall have full power to act in as ample and complete a manner as the said entire board is therein and herein authorized."

Authority.

SEC. 2. That section four of said chapter three hundred and twenty-eight, Public-Local Laws one thousand nine hundred and nineteen, and section two of chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and twenty-three be amended by striking out all of said section two of chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and twenty-three and inserting in lieu thereof the following: "That each member of the board of road commissioners shall receive as compensation for his services the sum of four dollars per day and the mileage now allowed members of the board of county commissioners of said Bertie County for each and every day engaged in the performance of the duties of said board: *Provided*, the chairman of the board of road commissioners

Amendment.

Compensation.

shall receive in addition thereto an annual salary of twenty-five dollars."

SEC. 3. That it shall be lawful for and one of the duties of the said board of road commissioners, if in their judgment they think best, to call upon the State Highway Commission of the State of North Carolina or the chairman of the said State Highway Commission of North Carolina to furnish them a competent civil engineer and other necessary agents who shall make a survey of the public roads of the said county of Bertie and prepare a map or plat showing the said roads, the cost of construction of hard surfaced roads through the said county, using the roads now in use and being kept up and operated by said county as a basis for said map.

Civil
engineer.

Amendment.

SEC. 4. That section twelve of chapter three hundred and twenty-eight of the Public-Local Laws of one thousand nine hundred and nineteen be and the same is hereby amended by striking out the word "four," in line six of said section, and inserting in lieu thereof the word "six"; and that said section be further amended by striking out the word "four" between the word "county" and "days," in line twenty-nine, and inserting in lieu thereof the word "six," and by striking out the word "four" between the word "county" and "dollars," in line twenty-nine, and inserting in lieu thereof the word "three."

Conflicting
laws repealed.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 235

AN ACT TO REGULATE PAYING OF STATE'S WITNESS IN THE SUPERIOR COURT OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any witness summoned in a criminal action in the Superior Court of Caswell County, under the direction of the solicitor, shall be paid by the defendant if convicted, and if not convicted by the county of Caswell, for attendance in each and every case so summoned, even though the attendance be for more than one case tried on the same day.

Compensation
witness.

SEC. 2. That all laws and clauses of laws in conflict with this act be and the same is hereby repealed.

Conflicting
laws repealed.

SEC. 3. That this act shall apply to Caswell County only.

Application of act.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 236

AN ACT TO PROTECT THE WATERSHED OF E. D. McCOLLUM'S POND ON BIG CREEK IN BISCOE AND ROCKY SPRINGS TOWNSHIPS, MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to dump any sewerage or filth into Big Creek or the tributary streams thereof above the pond now belonging to E. D. McCollum, located in Biscoe and Rocky Springs townships in Montgomery County, or to leave any dead animals to decay on the watershed of said creek or its tributaries within one-half mile on either side of the same.

Protection watershed.

SEC. 2. That if any person, firm or corporation shall violate the provisions of this act he shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days in jail.

Violation misdemeanor; penalty.

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

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 237

AN ACT TO APPOINT A MEMBER OF THE BOARD OF HIGHWAY COMMISSIONERS FOR CABARRUS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. As provided by section one, chapter three hundred and six of the Public-Local Laws of the State of North Carolina, session, one thousand nine hundred and twenty-three, W. Archie Brown is hereby appointed a member of the board of highway commissioners for Cabarrus County, North Carolina, for the term of six years from the first day of March, one thousand nine

Appointment of W. A. Brown member highway commission.

hundred and twenty-five, and until his successor is elected and qualified.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 238

AN ACT TO AUTHORIZE THE COMMISSIONERS OF CRAVEN COUNTY TO RELIEVE THE TAXPAYERS FROM THE MONTHLY PENALTIES ACCRUING ON NON-PAID TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. The commissioners of the county of Craven are hereby authorized in their discretion to relieve the taxpayers of the county from any part or all the one per cent month penalties that would otherwise accrue on the unpaid taxes for the years one thousand nine hundred and twenty-four and one thousand nine hundred and twenty-five.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 239

AN ACT TO PROHIBIT SALES OF MERCHANDISE ON SUNDAY IN THE VILLAGE OF ATLANTIC, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, or offer for sale, for cash or credit, or to buy on Sunday anywhere in the village of Atlantic, Carteret County, any soft drinks, in bottles or from fountain, any cigars, cigarettes, or tobaccos of any kind, confectionaries or any other articles or kinds of merchandise whatsoever save and excepting drugs and medicinal remedies, and gasoline and lubricating oils.

SEC. 2. That for the purpose of this act, Sunday shall be construed to mean the hours between twelve o'clock Saturday night and twelve o'clock Sunday night.

SEC. 3. That any one violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50), or imprisoned not exceeding thirty (30) days.

Commissioners
given
authority.

Unlawful sell
merchandise,
etc.

"Sunday"
defined.

Violation
misdemeanor;
penalty.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 240

AN ACT TO PROVIDE FOR PAYMENT OF SCHOOL INDEBTEDNESS OF COLUMBUS COUNTY.

Whereas, the public school laws of one thousand nine hundred and twenty-three directs that the board of county commissioners fund all school indebtedness outstanding as of December thirty-one, one thousand nine hundred and twenty-two; and

Whereas, there was outstanding as of December thirty-one, one thousand nine hundred and twenty-two, in Columbus County a school indebtedness of approximately one hundred and fifteen thousand dollars to be funded under the public school law of one thousand nine hundred and twenty-three; and Preamble.

Whereas, the various boards of county commissioners are directed by said public school laws of one thousand nine hundred and twenty-three to borrow money to meet the amount called for in the budget where the levy is not sufficient to take care of the amount called for in the budget; and to increase the levy in the succeeding year to take care of the amount so borrowed; and

Whereas, the board of county commissioners of Columbus County had to borrow fifty thousand dollars since December thirty-one, one thousand nine hundred and twenty-two, to meet the difference between the levy for school purposes and the amount called for in the budget of the county board of education; and

Whereas, it was necessary to levy ninety cents on the one hundred dollars valuation of property, real and personal, for the year one thousand nine hundred and twenty-four to meet the demands of the budget, not including the fifty thousand dollars borrowed; and

Whereas, the school taxes for said county are burdensome without the additional levy to make up the fifty thousand dollars as required by law; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Columbus County is hereby authorized and directed to fund

Commissioners
authorized
fund
school debt.

the school debt of one hundred and fifteen thousand dollars incurred prior to December thirty-one, one thousand nine hundred and twenty-two, and the fifty thousand dollars incurred since that time and to issue sufficient bonds in an amount not to exceed one hundred and sixty-five thousand dollars with which to fund said indebtedness.

SEC. 2. That said bonds shall be serial bonds and issued in accordance with the public school law of one thousand nine hundred and twenty-three for funding school indebtedness.

SEC. 3. That a tax sufficient to take care of the principal and interest on said bonds as the same shall become due shall be annually levied and collected.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 241

AN ACT TO MAKE CERTAIN PRIVATE ROADS IN CASWELL COUNTY PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever a private road is being used by United States mail carriers, the said road is hereby declared a public road, and the board of road commissioners of Caswell County are hereby directed to cause said roads to be worked as other public roads in Caswell County are worked: *Provided*, this act shall apply to Caswell County only.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 242

AN ACT TO PROHIBIT HUNTING AND SHOOTING IN A SUBURB OF ALBEMARLE KNOWN AS OAKWOOD PARK.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt with or without gun or dog, or to shoot in a residential suburb

Form and
issuance of
bonds.

Special tax.

Conflicting
laws repealed.

Public road.

Conflicting
laws repealed.

Unlawful hunt.

of Albemarle, Stanly County, known as Oakwood Park: *Provided*, this act shall not prohibit shooting in defense of person or property. Proviso.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty (30) days. Violation misdemeanor; penalty.

SEC. 3. All laws and clauses of laws in conflict with this act are repealed. Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 243

AN ACT TO PROHIBIT THE SALE AND USE OF FIREWORKS AND TOY PISTOLS IN MITCHELL, MADISON, YANCEY, AVERY AND MACON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, buy, transport, keep for purpose of sale or to explode any firecrackers, roman candles or other fireworks, or toy pistols in the boundaries of Mitchell, Madison, Yancey, Avery and Macon counties. Unlawful sell, etc., fireworks, etc.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not to exceed thirty days. Violation misdemeanor; penalty.

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

SEC. 4. That this act shall be in force and effect from and after the fifth day of July, one thousand nine hundred and twenty-five. Date of effect.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 244

AN ACT TO REGULATE THE FEES OF OFFICERS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where sheriffs and other officers have received sixty cents (60c) for the service of civil sum- Fees of county officers.

mons in the county of Pitt, they shall receive seventy-five cents (75c) and in all cases where such officers have received one dollar (\$1) for the service of criminal summons, they shall receive one dollar and twenty-five cents (\$1.25), to be taxed and paid as heretofore provided.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 245

AN ACT TO REGULATE THE FEES TO BE CHARGED BY THE SHERIFF AND DEPUTIES IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be charged and collected in Polk County the following fees:

Fees of
Polk County.

Executing summons or any other writ or notice, one dollar.

Arrests.

Arrest of defendant in civil action, two dollars.

Arrest of defendant in criminal action, three dollars.

Imprisonment.

Imprisonment of any person in civil or criminal action, fifty cents; and release from prison, fifty cents.

Subpœna.

Executing subpœna on a witness, sixty cents.

Conveyance
to jail.

Conveying prisoners to jail of another county, three dollars per diem and mileage; for prisoner's guard, two dollars per diem and mileage allowed the same as the sheriff receives, and all other actual and necessary expense incurred to be taxed as part of the cost and paid by the board of county commissioners in which the criminal proceedings were instituted.

Widows.

For allotment of widow's years allowance, two dollars.

Original papers.

In claim and delivery for serving the original papers in each case, one dollar; and for taking the property claimed, two dollars, with the actual cost of keeping the same until discharged by law, to be paid on affidavit of the returning officer.

Conveyance
penitentiary.

For conveying prisoner to penitentiary, three dollars per diem and mileage, and actual necessary expense; also two dollars per diem and actual necessary expense for each guard, not to exceed one guard for every three prisoners, as the sheriff upon affidavit before the clerk of the Superior Court of his county shall swear to be necessary for the safe conveyance of the convicts, to be paid by the State Treasurer upon the warrant of the Auditor, out of any money in the treasury not otherwise appropriated. The sheriff shall file with the Auditor

the affidavit above mentioned, together with a full itemized account, to be sworn to before the Auditor, showing the number of days requisite for coming and returning, and the actual expense of conveying said convicts, and guards necessary for their safekeeping, and if the Auditor approves the account, he shall issue his warrant on the Treasurer for the amount thereof.

Providing prisoners in county jail with suitable beds, bed clothing, and other clothing and fuel, and keeping the prison and grounds cleanly, whatever sum shall be allowed by the commissioners of the county.

Providing
beds, etc.

Collecting fine and cost from convicts, five per cent on the amount collected.

Collecting execution for money in civil action, five per cent on the amount collected, and the like commission for all moneys which may be paid to the plaintiff by the defendant while the execution is in the hands of the sheriff.

Collecting
money.

Advertising a sale of property under execution at each public place required, fifty cents.

Advertising
sale.

Seizing specific property under order of the court, or executing any other order of a court or judge, not specially provided for, to be allowed by the judge or court.

Seizing
property.

Taking any bond or undertaking, including furnishing the blanks, one dollar.

Bond.

The actual expense of keeping all property seized under process or order of court, to be allowed by the court on the affidavit of the officer in charge.

Expenses.

Summoning a grand jury or petit jury, for each man summoned, sixty cents; and sixty cents for each person summoned on a special venire.

Summoning
grand jury.

For serving any writ or other process with aid of the county, the usual fee of one dollar, and the expense necessarily incurred thereby, to be adjudged by the county commissioners, and taxed as other costs.

Serving writ.

All just fees paid to any printer for any advertisement required by law to be printed.

Printers' fees.

Bringing up a prisoner upon habeas corpus, to testify or answer to any court or before any judge, three dollars, and all actual necessary expenses for such service, including mileage by the route most usually traveled, and all expense for any guard actually employed and necessary.

Habeas corpus.

For summoning and qualifying appraisers, and for performing all duties in laying off homesteads and personal property exemptions, or either, five dollars, to be including in the bill of cost.

Appraisers.

For levying an attachment, two dollars.

Levying
attachments.

- Qualify jurors, etc. For attendance to qualify jurors to lay off dower, or commissioners to lay off year's allowance, two dollars.
- Qualify commissioners. For attendance to qualify commissioners for any other purpose, one dollar and fifty cents.
- Executing deed. Executing a deed for land or any interest in land sold under execution, two dollars and fifty cents, to be paid by the purchaser.
- Serving writ. Service of writ of ejectment, three dollars.
- Execution. For every execution, either in civil or criminal cases, one dollar.
- Serving process. For serving any and all process, both civil and criminal, or performing any duty pertaining to his office the sheriff shall receive in addition to his fee for serving such process or performing such the sum of ten cents per mile traveled to and from the place where such process is served or duty performed: *Provided*, that the sheriff shall only receive fees as now provided by law in all criminal cases where no true bill is found by the grand jury or defendants in criminal actions are acquitted.
- Proviso. *Provided*, that the sheriff shall only receive fees as now provided by law in all criminal cases where no true bill is found by the grand jury or defendants in criminal actions are acquitted.
- Conflicting laws repealed. SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 27th day of February, A.D. 1925.

CHAPTER 246

AN ACT TO AMEND THE PUBLIC-LOCAL LAWS OF 1921, CHAPTER 72, RELATING TO THE RECORDER'S COURT OF DURHAM COUNTY AND FIX THE SALARIES OF THE OFFICERS OF SUCH COURT.

The General Assembly of North Carolina do enact:

Amendment. SECTION 1. That the Public-Local Laws of one thousand nine hundred and twenty-one, chapter seventy-two, section six, be and the same is hereby amended by striking out, in line two thereof, the words "two thousand five hundred" and inserting in lieu thereof the words "three thousand."

Amendment. SEC. 2. That section seven of the Public-Local Laws of one thousand nine hundred and twenty-one, and section one of chapter two hundred and twelve of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out therein the words "shall not exceed seventy-five" and inserting in lieu thereof the words "shall be one hundred."

Repealed

SEC. 3. That the recorder of said court shall not be permitted to engage in any practice of law in criminal cases, and the clerk of said court, while serving as a justice of the peace, shall not be allowed to try or have heard before him any criminal cases.

Recorder of court not to practice law.

SEC. 4. That all laws or parts of laws in conflict with this act be and the same are hereby repealed, and this act shall apply only to the county of Durham and the provision hereof shall take effect on the first day of the month subsequent to its ratification, and be in full force and effect from and after its ratification.

Conflicting laws repealed; application of act; effect.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 247

AN ACT TO AMEND CHAPTER 306, PUBLIC-LOCAL AND PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, ENTITLED AN ACT TO PROVIDE HIGHWAY COMMISSIONERS AND FOR ROAD AND HIGHWAY IMPROVEMENTS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and six, Public-Local and Private Laws of North Carolina, session nineteen hundred and twenty-three, be and is hereby amended by adding after the word "public," in line nine, section twenty, the following words: "And the said highway commission is hereby required and directed to meet in public session on the first Wednesday of each and every month after the ratification of this act."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 248

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS AND THE GOVERNING BODIES OF INCORPORATED MUNICIPALITIES OF RICHMOND COUNTY TO APPROPRIATE FUNDS FOR THE ERECTION OF A CONFEDERATE MONUMENT IN THE TOWN OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the county of Richmond and the governing bodies of the incorporated municipi-

Commissioners authorized appropriate funds for Confederate monument.

palties of Richmond County be and they are hereby authorized to set aside and use so much of the funds of said county or of the said incorporated municipalities as they may find necessary for the purpose of erecting in the town of Rockingham a monument commemorating the heroes of the Confederate army from Richmond County.

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 force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 249

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO ISSUE BONDS TO FUND FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Onslow County are hereby authorized to issue and sell bonds of the county to an aggregate principal amount not exceeding ninety thousand dollars for the purpose of funding floating indebtedness of the county incurred for the necessary expenses thereof prior to and outstanding March first, one thousand nine hundred and twenty-five. Such bonds shall be in the denominations of one thousand dollars each, and shall bear such rate of interest, not exceeding six per cent, and run for such time or times, not exceeding twenty years from their date, and be sold in such manner and on such terms as the said board of commissioners may determine, and shall be signed by the chairman and clerk of the said board of commissioners.

SEC. 2. In order to pay the interest on the said bonds and to create a sinking fund to pay them at maturity, the said board of commissioners shall annually, at the time of levying other taxes, levy a sufficient special tax on all the taxable property in the county.

SEC. 3. The powers hereby conferred are additional to any other powers conferred by and are not affected by any limitation imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.

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

Ratified this the 27th day of February, A.D. 1925.

Bond issue authorized.

Form; rate of interest; sale.

Annual special tax.

Additional powers.

CHAPTER 250

AN ACT TO PLACE THE OFFICERS OF SAMPSON COUNTY
UPON A SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. The sheriff of Sampson County shall be paid an annual salary of nine thousand dollars (\$9,000), to be paid him by the treasurer or financial agent of said county out of the general county funds of said county, upon warrant of the county commissioners of said county, in equal monthly installments on the first Monday in each calendar month, as his compensation for the preceding month, which salary shall be in full satisfaction and compensation for all services whatever rendered by said sheriff, and all his clerks and deputies, for the service of processes and collection of taxes required by law of said sheriff, and for all other duties of whatever nature required of or performed by said sheriff and his clerks and deputies, to go into force and effect on the first Monday of December, one thousand nine hundred and twenty-six, at which time the outgoing sheriff shall make full settlement with the board of county commissioners of Sampson County, for all taxes collected by said sheriff up to that time, and all taxes then remaining on the tax books and uncollected shall be turned over to the succeeding sheriff and by him collected under the provisions of this act, and such settlement shall prevail in all subsequent terminations in the tenure of office of the sheriff of Sampson County.

Compensation
sheriff.

SEC. 2. The clerk Superior Court of Sampson County shall be paid an annual salary of four thousand dollars, to be paid him by the treasurer or financial agent of said county out of the general county funds of said county, upon the warrant of the county commissioners of said county, in equal monthly installments on the first Monday of each calendar month, as his compensation for the preceding month, which salary shall be in full satisfaction and compensation for all services whatever rendered by said clerk Superior Court, and all his clerks, assistants and deputies, and for all duties of whatever nature required of or performed by said clerk of Superior Court, and his clerks, assistants and deputies, to go into force and effect on the first Monday of December, one thousand nine hundred and twenty-six.

Compensation
clerk of court.

SEC. 3. The register of deeds of Sampson County shall be paid an annual salary of four thousand dollars, to be paid him by the treasurer or financial agent of said county out of the general county funds of said county, upon the warrant of the

Compensation
register of
deeds.

county commissioners of said county, in equal monthly installments on the first Monday of each calendar month, as his compensation for the preceding month, which salary shall be in full satisfaction and compensation for all services whatever rendered by said register of deeds, and all his clerks, assistants and deputies, and for all duties of whatever nature required of or performed by said register of deeds, and his clerks, assistants and deputies, to go into force and effect on the first Monday of March, one thousand nine hundred and twenty-five.

Expenses
of sheriff.

SEC. 4. That from and after the first Monday in December, one thousand nine hundred and twenty-six, the sheriff of Sampson County shall be paid by the treasurer or financial agent of said county out of the general funds of said county, upon the warrant of the county commissioners of said county, his actual expenses, or that of his deputies, incurred in conveying any inmate of a State hospital to or from such hospital, and in conveying any prisoner of the State Prison to such prison, or any prisoner to or from any other county in the State or from any other State where necessary, such expenses to be paid upon itemized statement by said sheriff rendered to said county commissioners and approved by them.

Collection
of fees, etc.

SEC. 5. That the sheriff, clerk Superior Court, and register of deeds of Sampson County, shall, from and after the time at which this act shall go into effect with respect to their respective offices, truly and faithfully collect all fees, commissions and emoluments due to and collectable by their respective offices, and faithfully and accurately keep a detailed itemized account thereof, which account, duly verified, they shall respectively submit to the board of county commissioners of said county on the first Monday of each calendar month, for the preceding month, which accounts shall be duly audited by the county auditor of said county, and to be approved by said auditor and the chairman of said board of commissioners, and said funds, fees, commissions and emoluments, as shown by said accounts, shall, upon such approval thereof, be paid to the treasurer or financial agent of said county, to the credit of the general county funds of said county, and the fees, commissions and emoluments so charged and collected by said officers, with respect to their several and respective offices, shall be the fees, commissions and emoluments prescribed and provided for by the general laws of the State of North Carolina.

Not to affect.

SEC. 6. That nothing in this act shall in any manner affect the fees and emoluments of the office of the sheriff, and the office of the clerk Superior Court of said county, as the same now obtain, prior to the time when this act shall go into effect with respect to said offices.

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 force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 251

AN ACT TO REPEAL H. B. No. 138, S. B. No. 110 OF THE SESSION OF 1925.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill number one hundred and thirty-eight, Senate bill number one hundred and ten of the session of one thousand nine hundred and twenty-five, be and the same is hereby repealed. House bill repealed.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 252

AN ACT TO REPEAL CHAPTER 95 OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION OF 1924, FIXING THE SALARY OF THE SHERIFF OF AVERY COUNTY, AND TO REGULATE THE COMPENSATION OF THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-five of the Public-Local Laws, extra session, nineteen hundred and twenty-four, be and the same is hereby repealed, said act fixing the salary of the sheriff of Avery County, and in lieu of the compensation fixed in said act the sheriff of Avery County shall receive a commission of three per cent of all taxes collected by his office and in addition shall be entitled to the fees for his services as sheriff allowed by law. Chapter repealed.
In lieu.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 253

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO PAY FOR TOP SOIL USED IN BUILDING AND REPAIRING ROADS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
to pay for
topsoil.

SECTION 1. That all topsoil removed from lands in Guilford County by board of county commissioners of said county for the purpose of building, repairing or improving the public roads of the said county shall be paid for by said board of county commissioners according to the following rule, to wit: An amount in money equal to one-half of the assessment placed upon said land for purposes of taxation, said amount to be calculated according to the area of the land from which the topsoil is actually removed, shall be paid to the owner or owners of said land by said board of county commissioners.

Additional
compensation.

SEC. 2. That in removing the topsoil from any lands the said board of county commissioners shall not remove dirt to a greater depth than ten inches without additional compensation than that above specified in section one, the additional price to be agreed on by the board of county commissioners and the land-owners.

Special tax.

SEC. 3. That said board of county commissioners of Guilford County are hereby authorized to levy a special tax not to exceed five cents (5c) on the one hundred dollars valuation of property sufficient for the purpose of paying for said topsoil: *Provided*, this tax shall not be levied unless the general county fund is not sufficient to meet the additional expenditure incurred under this act.

Conflicting
laws repealed.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 254

AN ACT TO AUTHORIZE ALAMANCE COUNTY TO LEVY A SPECIAL TAX FOR COUNTY ROAD UPKEEP FUND.

Whereas, pursuant to the provisions of chapter ninety-six of the Public-Local Laws of nineteen hundred and twenty-one, an election has been held in Alamance County for the purpose of

ascertaining whether or not the voters of said county favor raising by taxation and expending one million dollars for the purpose of constructing a system of public roads for said county, and raising by taxation the further sum of two hundred thousand dollars for special upkeep road fund, and at said election a majority of the voters voting favored levying said tax; and

Whereas, the said county has been and is constructing said system of public roads and has been levying said tax for said special upkeep fund, as provided for in said chapter ninety-six, Public Laws, nineteen hundred and twenty-one, which said levy amounts to approximately five cents on the one hundred dollars valuation of property; and

Preamble.

Whereas, said county has been levying the further sum of fifteen cents on the one hundred dollars valuation for the upkeep of roads and bridges in the said county, the upkeep of the said public roads and bridges of the said county being necessary expenses, and the said levies as heretofore made being deemed sufficient for said purpose, and it being desired to make the said rate for said purpose specific and certain: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Alamance County is hereby authorized and empowered to levy annually, at the same time it levies other taxes, a special tax of not to exceed twenty cents on the one hundred dollars valuation of all taxable property within the said county. The said tax so levied and collected shall constitute a special fund for the purpose of maintaining the public roads and bridges of Alamance County, and shall be expended by the said board of commissioners in maintaining and repairing the said public roads and bridges. The said tax shall be in lieu of the special tax authorized for county road upkeep fund as provided in said chapter ninety-six, Public-Local Laws, nineteen hundred and twenty-one, and of the tax heretofore levied for the maintenance of roads and bridges.

Commissioners authorized levy special tax.

Purpose.

In lieu.

SEC. 2. That said board of county commissioners shall not hereafter levy any tax whatever ad valorem upon the taxable property in Alamance County for road and bridge maintenance except the tax provided by this act: *Provided*, that this act shall not limit or restrict the authority of said board of county commissioners to levy taxes for the payment of the principal or interest of road bonds heretofore or hereafter issued pursuant to authority granted by the General Assembly: *Provided further*, that the authority granted by law to the said board of county commissioners to levy taxes for any other purposes

No more tax; proviso.

than the maintenance of roads and bridges is not limited or restricted by this act and, except as otherwise provided in this act, the powers granted by this act are granted in addition to and not in substitution for existing powers, and the powers granted by this act are subject to any limitation or restriction contained in any other act.

Prior taxes
validated.

SEC. 3. That all taxes heretofore levied by said board of County commissioners for the purposes of road and bridge maintenance and construction, or for any of said purposes, are hereby ratified and validated.

Conflicting
laws repealed.

SEC. 4. That all acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 255

AN ACT RELATING TO AN ELECTION UPON THE ISSUANCE OF BONDS OF WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Nothing contained in chapter fifty-four of the Public-Local Laws of the extra session of nineteen hundred and twenty-one of North Carolina, as amended by chapter eighty-four of the Public-Local Laws of the extra session of nineteen hundred and twenty-four of North Carolina, or any other statute applicable thereto, shall require any notice to be given of the registration of voters for the election authorized by said acts to be held in said county, other than the notice of said election which is required to be published and posted in the manner provided in said acts. Said notice may be published or posted either before or after the opening of the registration books for said election. All acts and proceedings heretofore done or taken by the board of county commissioners of Wilson County for the purpose of calling said election and providing for the registration of voters for said election, are hereby legalized and validated and the notice of said election heretofore published and posted shall be deemed to give sufficient notice of said election and of the registration of voters therefor.

Registration of
voters.

Prior acts
validated.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 256

AN ACT CREATING FIVE DISTRICTS IN WAKE COUNTY FOR THE SELECTION OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be, and the same is hereby created, five districts in Wake County for the election of county commissioners. Districts created.

SEC. 2. That there shall be elected one commissioner from each district and the districts shall be numbered one, two, three, four, and five, and shall comprise the following townships: One commissioner from each.

(a) District number one shall be composed of Little River, Marks Creek, and St. Matthews townships.

(b) District number two shall be composed of St. Marys, Swift Creek, Panther Branch and Middle Creek townships. Townships.

(c) District number three shall be composed of Cary, Buckhorn, Cedar Fork, Holly Springs, White Oak and House Creek townships.

(d) District number four shall be composed of Barton's Creek, Wake Forest, Neuse, Leesville and New Light townships.

(e) District number five shall be composed of Raleigh Township.

SEC. 3. That there shall be elected three county commissioners in nineteen hundred and twenty-six, one from district number one, one from district number two, one from district number three; these shall be selected to serve for a term of four years and new elections shall be held every four years thereafter. Three commissioners.

SEC. 4. That there shall be elected two county commissioners in nineteen hundred and twenty-eight, one from district four, and one from district number five; these shall be elected for a term of four years and new elections shall be held every four years thereafter. Two commissioners.

SEC. 5. That those participating in the primary, both as candidates and voters, shall be restricted to the qualified voters of said district. Primary.

SEC. 6. That the candidate receiving the majority votes cast in his said district shall be declared to be the candidate of his political party duly nominated for the general election. Candidate receiving majority votes.

SEC. 7. That the laws governing the election of county commissioners not in conflict with this act shall be as provided by statute. Laws governing election validated.

Conflicting
laws repealed.

SEC. 8. That 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.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 257

AN ACT TO AUTHORIZE DURHAM COUNTY TO ISSUE BONDS TO FUND THE FLOATING INDEBTEDNESS OF SAID COUNTY NOW OUTSTANDING AND CREATED FOR THE REPAIR, CONSTRUCTION AND IMPROVEMENT OF ROADS AND BRIDGES, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of county commissioners of Durham County is authorized to issue, at one time, or from time to time, not exceeding three hundred seventy thousand dollars bonds of said county, for the purpose of funding and paying all or any part of three hundred fifty-four thousand dollars floating indebtedness of said county, and the accrued interest thereon, which said indebtedness is now evidenced by outstanding notes of the county, payable as follows:

Payment of
notes.

W. J. Doyle, New York City, twenty-seven notes aggregating two hundred seventy thousand dollars; Guaranty Trust Company, New York City, eight notes aggregating sixty thousand dollars; National City Bank, New York City, four notes aggregating twenty-four thousand dollars; said total aggregate of said notes being three hundred fifty-four thousand dollars, all of which floating indebtedness is hereby ratified. Said bonds shall bear interest at not more than six per cent per annum, payable semiannually and shall mature at such time or times not more than twenty-five years from their date as the said board may determine. No sale of any of said bonds shall be made at less than par and accrued interest, or until a notice of the date of receiving bids shall have been published once at least ten days before said date in a newspaper published in said county, and in a financial journal published in New York City. No other or further notice of sale shall be required nor shall a vote of the electors be necessary to authorize said bonds.

Special tax.

SEC. 2. The said board is authorized and required to levy upon all taxable property in Durham County in each year after the issuance of any of said bonds a tax over and above all other taxes authorized or limited by law, sufficient to meet the pay-

ment of principal and interest of said bonds at the maturities thereof.

SEC. 3. The said bonds shall be issued in coupon form, and the bonds and coupons shall be executed as may be determined by said board; said bonds may, in the discretion of the board and upon terms to be by it provided, be made subject to registration as to principal alone, or to both principal and interest. Form.

SEC. 4. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session of the general assembly. Additional powers.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 258

AN ACT TO ENCOURAGE THE ENFORCEMENT OF THE PROHIBITION LAW IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever a person is charged with the violation of the prohibition law in Caswell County and probable cause is found, there shall be taxed in addition to the cost allowed by law, not exceeding the sum of fifteen dollars to be paid to the sheriff, which may be paid by the board of commissioners at their discretion, and in the event the defendant is convicted the above amount shall be taxed in the bill of cost and if it has been paid by the county commissioners as aforesaid, then the county shall be reimbursed for the sum expended by them. Enforcement prohibition law.

SEC. 2. That this act shall apply only to Caswell County. Application of act.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 259

AN ACT TO AUTHORIZE THE ISSUANCE OF ROAD BONDS
OF JACKSON'S TOWNSHIP IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of county commissioners of Nash County is hereby authorized to issue serial coupon bonds of Jackson's Township in said county, in the aggregate principal amount of ten thousand dollars (\$10,000), for the purpose of constructing and improving public roads of said township, and is also hereby authorized to levy annually a special tax ad valorem on all taxable property in said township for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purposes and shall be in addition to all other taxes authorized to be levied in said township. The proceeds of the sale of said bonds shall be paid to the treasurer of Nash County, and the said proceeds, after deducting the expense of printing and issuing the same, including attorney's fees, shall be held by said treasurer for the use and credit of the road commission for Jackson's Township road district, created by chapter four hundred and fifty-one (451) of the Public-Local Laws of nineteen hundred and eleven. Said proceeds shall be paid out and expended in the manner provided by said statute for the payment and expenditure of the proceeds of bonds authorized by said statute.

Proceeds.

Payment; rate of
interest, etc.

SEC. 2. Said bonds shall be made payable in such a manner that the principal thereof shall mature in annual installments, beginning not more than two years after the date of said bonds and ending not more than twenty-one years after the date of said bonds. Said bonds shall be issued in such form and denomination, shall bear such rate of interest not exceeding six per centum, and shall be made payable at such place or places as said board of county commissioners may determine. They shall be issued in the name of Jackson's Township, and shall be signed by the chairman of the board of county commissioners of Nash County, and the county seal shall be affixed to each bond and attested by the clerk of said board, but the coupons need not be authenticated otherwise than by a facsimile signature of said chairman.

Bond sale.

SEC. 3. Said bonds shall be sold by the said board of county commissioners in the manner provided by the Municipal Finance Act, nineteen hundred and twenty-one (1921), for the sale of bonds of cities and towns. They shall be sold for not less than par.

SEC. 4. The taxes levied and collected for the payment of the principal and interest of said bonds shall be paid to the county treasurer and applied by him to the payment of said principal and interest as they respectively become due. Taxes.

SEC. 5. The bonds authorized by this act may be issued in addition to the bonds authorized by any other act and they shall not be subject to any limitation prescribed by any other act. Additional bonds.

SEC. 6. All acts and parts of acts in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 260

AN ACT TO AMEND CHAPTER 399, PUBLIC-LOCAL LAWS, 1923, RELATING TO BOARD OF EDUCATION OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter three hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-three be stricken out and the following inserted in lieu thereof: "That the board of education, at such time, shall fix the annual salary of the county superintendent of schools, which salary, together with the qualifications of the county superintendent, shall be subject to the approval of the State Superintendent of Public Instruction. The county board of education shall, in addition to the salary that may be fixed for the county superintendent as herein provided, employ such clerical help and pay such expenses incurred by the county superintendent in the discharge of his public duties as in the judgment of the board may be proper." Amendment.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 261

AN ACT TO PROVIDE SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT IN FOLK COUNTY.

The General Assembly of North Carolina do enact:

Fees of clerk of
Superior Court.

SECTION 1. That the fees of the clerk of the Superior Court of Polk County, whether he is paid for his service on a salary basis or in lieu of salary receives the fees, shall be the following, and no other, for the services designated herein, namely:

Advertising and selling under mortgage in lieu of bond, two dollars for sales of real estate, and one dollar for sales of personal property.

Affidavits including jurat and certificate, fifty cents.

Appeal from justice of the peace, or from any court inferior to the Superior Court, one dollar.

Appeal from the clerk to the judge, one dollar.

Appeal to the Supreme Court, including certificate and seal, two dollars.

Appointing and qualifying justices of the peace, to be paid by the justice, twenty-five cents.

Apprenticing infant, including indenture, one dollar.

Attachment, order in, one dollar.

Auditing account of receiver, executor, administrator, guardian, or other trustee, required to render accounts, if not over three hundred dollars, seventy-five cents; if over three hundred dollars and not exceeding one thousand dollars, one dollar; if over one thousand dollars, one dollar and fifty cents.

Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustee for all sums not exceeding two thousand dollars; and for all sums over two thousand dollars, one-tenth of one per cent of such excess; but such fees shall not exceed twenty dollars, unless there be a contest, when the clerk shall have one per cent on the said excess over two thousand, but in no instance shall his fees exceed thirty dollars.

Auditing the final account of commissioners, appointed to sell real estate, one-half of the fees allowed for auditing final accounts of executors.

Bill of cost, preparing same, fifty cents.

Bond or undertaking, including justification, one dollar.

Canceling notice of lis pendens, twenty-five cents.

Capias, each defendant, one dollar.

Capias, when the defendant is not arrested thereunder, shall be such sum as the commissioners of his county may allow, not exceeding one dollar.

Caveat to a will, entering and docketing same for trial, one dollar and fifty cents.

Certificate (including certificate on indictment), except where it is a charge against the county, fifty cents; and where it is a charge against the county, the fee shall be such sum not exceeding fifty cents as the commissioners shall allow.

Commission, issuing, one dollar.

Continuance in criminal and civil cases, fifty cents for each defendant.

Docketing ex parte proceedings, one dollar.

Docketing indictments, fifty cents.

Docketing liens, fifty cents.

Docketing judgment in criminal cases, fifty cents; in civil cases, fifty cents.

Docketing summons, fifty cents.

Docketing warrant, fifty cents.

Docketing presentments, fifty cents.

Execution and return thereon, including docketing, one dollar; and certifying return to clerk of another county where judgment is docketed, fifty cents.

Filing all papers, twenty-five cents for each case.

Filing and recording report of sales by commissioners and trustees, two dollars and fifty cents.

Guardian, appointment of, including taking bond and justification, one dollar.

Impaneling jury, twenty-five cents.

Indexing judgment on cross-index book, twenty-five cents the judgment regardless the number of parties.

Indexing liens on lien book, twenty-five cents.

Indexing lis pendens if required to be indexed, twenty-five cents.

Indictment, each defendant in the bill, one dollar.

Injunction, order for including taking bond or undertaking and justification, one dollar.

Judgment final, civil action, each defendant, one dollar.

Judgment final, against each defendant, in criminal action, one dollar.

Judgment final, before the clerk, one dollar.

Judgment by confession, without notice, all services, three dollars.

Judgment in favor of widows' year's support, one dollar, and for docketing same, fifty cents.

Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents.

Juror ticket, including jurat, ten cents.

Justification of sureties, on any bond or undertaking, except as otherwise provided (each) fifty cents.

Letters of administration, including bond and justification of sureties, two dollars.

Motions, entry and record of, civil and criminal sections, fifty cents.

Notices, fifty cents, for each name over one in same paper, ten cents additional.

Notifying solicitors of removal of guardian, one dollar.

Order enlarging time of pleading, in civil actions and special proceedings, and all other interlocutory orders therein, fifty cents for each order.

Order of arrest, each defendant, one dollar.

Order for appearing for apprentice, on complaint of master, one dollar; for appearance of master on complaint of apprentice, one dollar.

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.

Postage, actual amount necessarily expended.

Probate of a short form lien bond or chattel mortgage, twenty-five cents.

Presentment, each person presented, twenty-five cents.

Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate, twenty-five cents.

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.

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.

Probate of a limited partnership, fifty cents.

Probate of a will in common form and letters testamentary, three dollars.

Qualifying justices of the peace to be paid by the justice, twenty-five cents.

Qualifying members of the board of county commissioners, twenty-five cents.

Recording and copying papers, per copy sheet of one hundred words, twenty cents.

Recording names, qualification and expiration of term of office of justice of the peace, five cents for each name.

Registering trained nurses and other practitioners required by law to be registered, including certificate of registration, one dollar.

Recording certificates of incorporation of corporations, five dollars.

Recording names of jurors as required by law, five cents for each name.

Recording the minutes of the Superior Court term, five dollars per day for each day of the term to be paid by the county.

Resignation of guardian, relinquishment of right to administer, or qualify as executor, receiving, filing and noting same, fifty cents.

Seal of office, when necessary, twenty-five cents.

Summons in civil action, or special proceeding, including all names therein, one dollar, and for every copy thereof, twenty-five cents.

Transcript of judgment, seventy-five cents; with seal, one dollar.

Transcript of any matter of record or paper on file, per copy sheet of one hundred words, twenty cents.

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Warrant, one dollar.

Witness ticket, including jurat, ten cents.

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 five per cent on all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgment, decrees and executions; and upon the excess of five hundred dollars of such sums, one per cent.

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws providing for the fees to be collected by the clerk of the Superior Court, which are in conflict with this act, whether special, local, public-local or general, and especially section three thousand nine hundred and three of the Consolidated Statutes of North Carolina, are hereby expressly repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 262

AN ACT TO BUILD AND MAINTAIN A SYSTEM OF ROADS
IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

County
commissioners
created road
governing body.

SECTION 1. That for the purpose of carrying out the provisions of this act, the board of county commissioners of Avery County are hereby created the road governing body of said county.

Commissioners
authorized to
build, etc., road
system.

SEC. 2. That in addition to all powers vested in boards of county commissioners as road governing bodies by the Consolidated Statutes and amendments thereto, or by special acts relating to Avery County, the board of county commissioners are hereby given all necessary power and authority to lay out, build, maintain and protect a county system of roads and bridges; to alter, change and amend any part or parts of road system, or discontinue any part of same; to acquire by purchase or condemnation proceedings all necessary rights-of-way or road material, with rights of egress or ingress thereto; to employ and discharge all road employees in the county at the pleasure of the commissioners or a majority thereof, fix the compensation and prescribe the duties of the said employees.

Employees.

Compensation
and duties of
employees.

SEC. 3. That said commissioners of the county of Avery shall have the exclusive power and authority over all public roads in the county, to pave or otherwise surface the same, and shall also have the right of condemnation for the purposes mentioned in the preceding section as follows: When the said board shall be of the opinion that it is necessary and for the public good that a new road or cartway shall be made or that any old road or cartway shall be changed, relocated or discontinued, said board shall declare and shall appoint one of its members, who, together with a competent surveyor or engineer to be designated for that purpose, shall view the premises and lay out the same, and they shall make report of their action to the board. The board of commissioners shall either approve or disapprove said report at its next regular meeting, not exceeding thirty days thereafter, and if said board approves the same, it shall immediately order and direct the making and laying out of said road, or the making of any change or discontinuance, and the same shall be done under the direction of said board of county commissioners and those designated by said board, either with free labor or by letting the same to contract as shall be designated by said board of county commissioners. If any person or persons whose land is affected by any new road or any change or relocation of any old road, within thirty days after such order

Commissioners
authorized
pave, etc.

New road.

View of
premises.

Report.

Contract.

is made directing the said making of said new road or any change in any old road, claim damages therefor, he or they shall demand of said board in writing damages for the same; and if said board and said owner or owners, or the persons affected, cannot agree upon the amount of said damages, then said board, within not more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders who shall not reside in the immediate vicinity of the said new road to be summoned by the sheriff or constable who shall give the landowner or owners, or their legal representatives, at least forty-eight hours notice of the time and place when and where said jury, after being duly sworn, shall view the premises, and shall, after taking into consideration the benefit of the said new road to the public travel and to the owner or owners of the land and the increase in value of his land by reason of said new road, shall assess the damages, and if said benefits shall be considered equal to or greater than the damages sustained, the jury shall so declare. Benefits may also be assessed by said jury against the property of any owner on said new road. Said jury shall at the next regular meeting, file their report in writing showing damages and benefits, if any. The board shall either approve or reject said report: and if damages are assessed, same shall be paid out of the county road fund. If the jury shall assess benefits the same shall be a lien upon the land affected by said new road, and the amount of the same shall be paid by the landowner to the treasurer of Avery County into the road fund of the county. If such landowner shall, within sixty days, fail to pay amount of such benefits, the clerk of the board shall certify the same to the clerk of the Superior Court, who shall record in the judgment docket the amount of the benefits, together with the name of the owner, and such record shall cause the same to become a judgment against the property of the owner, and the same shall be collected by the issuing of execution in the same manner as other judgments are collected, as is now provided by law. The landowner or said board of commissioners may appeal from the finding of the jury as to damages or benefits to the Superior Court, where the question of damages or benefits shall be heard de novo, as in the case of appeals from justices of the peace; or said county commissioners may, in their discretion, reject the report of the jury or any subsequent jury, and order a new jury for the purpose herein. Upon the trial of said issue of damages or benefits in the Superior Court the tax record showing the assessment of said lands for taxes shall be evidence of the value of the said lands; but no appeal shall be made from the discretionary finding of said board as to the necessity for any new road or change, loca-

Claim of
damages.View of
premises.Filing of
report.

Failure to pay.

Judgment.

Appeal.

New jury.

tion, relocation, widening or discontinuance of any road. Cartways shall be laid out by said board in the same manner as herein provided for the laying out of roads, except that it shall not be necessary for an engineer or surveyor to assist in laying out cartways unless the petitioners request such service; except also, that no cartways shall be ordered or authorized except upon petition and only after the owners of the land over which the same is to go shall have had ten days notice in writing. The cost of construction and maintenance of all cartways, together with damages which shall be assessed by the board of commissioners at the time said cartway is laid out, shall be paid by the person or persons petitioning for the same. Any person or persons who may desire a cartway, or who may be opposed to the making of a cartway, may appeal to the Superior Court from the action of the board in either granting or refusing the same: *Provided*, the county is in no event authorized to construct or pay the cost of constructing or maintaining cartways. If the landowner be a nonresident of the county and has no local representative, it shall be deemed sufficient service of said notice for said sheriff or constable to forward, by United States mail, a written notice giving the purpose, time and place of said meeting to said landowner, seven days in advance of such meeting, and also to post a notice of the same for seven days at the county courthouse door.

Cost of
construction, etc.

Special tax.

SEC. 4. The board of commissioners, at their regular time for making the county tax levy for taxes and annually thereafter, shall, in addition to levying any amount necessary to pay the interest on and establish a sinking fund for the retiring of the outstanding bonded indebtedness of the county, shall proceed to levy a special tax on all taxable property of the county to create a fund to be used for the construction, repair, improvement and maintenance of the public roads of Avery County, which fund shall be kept separate and apart from the other funds of the county and shall be used for no other purposes than those hereinbefore specified, which levy shall not be less than eight cents on the one hundred dollars valuation of property and shall not exceed twelve cents. In anticipation of the taxes to be collected under this act said board is authorized to borrow money from time to time to carry on the work herein provided for: *Provided*, that the money so borrowed shall at no time exceed seventy-five per cent of the county road tax levied in Avery County for the fiscal year in which said funds are borrowed.

Separate fund.

Board
authorized
borrow money.

Road duty.

SEC. 5. That all able-bodied men who are residents of Avery County, between the ages of twenty-one and forty-five years, unless otherwise exempted, shall be required to work on the public roads in their respective townships four days of ten hours

each, at such time and place and in such manner as the overseer in said township shall designate: *Provided*, that such overseer having charge of said road shall give to said person subject to road duty at least two days notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place where such work is to be performed: *Provided further*, that at the time of such warning the person warned may pay to the overseer the sum of one dollar and twenty-five cents per day for the days warned to work in lieu of such work. No person who is entitled to work said road in Avery County for the upkeep of the same shall be compelled to go out of his voting precinct.

Proviso.

Exemption.

SEC. 6. That for the purpose of carrying out the provisions of this act, the county commissioners shall at their regular meeting in May and annually thereafter appoint at least one overseer for each township in said county and if in their opinion they deem it necessary they may be allowed to appoint an additional overseer for said township but in no event shall there be more than two overseers for any one township; that it shall be the duty of said overseer when he shall qualify to take an oath of office and also give a bond or undertaking in the sum of five hundred dollars with good surety, approved by said board of county commissioners, for the faithful performance of the duties of said overseer. It shall be the duty of said overseer to take charge of the roads in his township as designated by said board and to keep the same in good repair, using the free labor in his township or the proceeds derived in lieu of said labor; it shall be his duty at least every three months to furnish said board of county commissioners an itemized, sworn statement, showing the persons who have performed road duty, together with the number of days worked, also any and all moneys collected in lieu of road duty and how same was expended. Said overseer shall on the first Monday in June and annually thereafter furnish to said board of county commissioners a list of all persons subject to road duty in his township, which statement shall be under oath. The commissioners shall furnish overseers a receipt book wherein said overseers shall keep a record of all road work performed and all payments made in lieu of said work. Said overseers shall be under the control and direction of said board of commissioners and shall do and perform the duties prescribed by said board and any failure on the part of the overseers to comply with the orders of said board shall be a breach of his office and subject him to discharge without notice. Said overseers shall receive the sum of two dollars and seventy-five cents per day of ten hours each for the time actually put in by him on the roads in his district or township and to

Overseer.

Duty of overseer.

Receipt book.

Compensation overseers.

be paid out of the road fund; he shall also receive five cents per name for warning the hands, same to be paid out of the road fund but in no event shall he receive the two dollars and seventy-five cents per name for the same work. He shall work at least ten hands each day he works upon the roads unless otherwise ordered by the board of commissioners. Said overseer shall provide some suitable place to keep such road tools belonging to said county and assigned to him by the commissioners, such as tool boxes or chests, with locks and keys, at a reasonable cost.

Road tools.

Supervisor.

SEC. 7. The commissioners may elect or appoint a supervisor when in their opinion the services of such person are necessary. He shall perform only such duties as the commissioners see fit to place upon him and as compensation for such services he shall only be allowed three dollars per day for the number of days actually engaged in road duty. The supervisor will in no way interfere with the duties of overseers as set out in section six.

Duties.

Compensation.

Unlawful.

SEC. 8. That it shall be unlawful for any person, firm or corporation to operate or cause to be operated any truck, trailer, tractor, engine or logging machinery, or any other machine or vehicle of any kind whatsoever where the operation of the same is a damage to the roads or bridges of the county exceeding that of ordinary travel.

Unlawful.

SEC. 9. That it shall be unlawful for any person, firm or corporation to drag logs over or along or obstruct the public roads or bridges of the county of Avery by throwing, wasting or dropping dirt, sand, debris or timbers upon the same, or to fill or cause to be filled any drainage, drain pipes, ditches, side drains or under drains with leaves, trash, rock, dirt or other obstruction which shall in any manner obstruct the free passage of water or to drain water into or upon said roads from any field or adjacent lands, or in any manner to injure or damage the said public roads or bridges of said county. It shall be unlawful for any person to pile or pack any lumber, wood or other obstruction over or on said water ditches of any public highway, or to leave any wagon, truck, engine or machine or any other obstruction within ten feet of the center of said highways at night without a light. Any person so doing shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than fifty dollars for each and every offense or imprisoned not exceeding thirty days: *Provided*, that in addition to the above penalty, any person, firm or corporation violating this act shall become liable to the county for any damages caused by reason of such violation.

Traffic rules.

SEC. 10. That the board of county commissioners are hereby fully authorized and empowered and directed to make, from time to time, and publish the same, such other traffic rules and regula-

tions as they may deem necessary for the protection of the roads and bridges of the county or the traveling public, and any one violating such rule or rules shall be guilty of a misdemeanor and be punished as provided in section nine of this act.

Violation
misdemeanor;
penalty.

SEC. 11. It shall be the duty of the overseer of any township, under the direction of the board of county commissioners, to drain or cause to be drained any public road or part of such road in his charge, and in doing so he shall make such waterways, ditches, and drains as will cause the water to run its natural course and the water from such roads shall be conducted through ditches to or over the lands of abutting landowners in such a manner as will best drain the road, with due regard to the interest of the landowners. If it is necessary, in order to properly drain any road, said overseer shall dig such ditch or ditches as may be necessary over the adjoining lands, doing as little damage as possible. Whenever it shall be necessary in the opinion of said overseer that such ditch or drain is required, the landowner shall permit said overseer and his assistants to go upon his land and dig such ditches and make such drains as may be necessary to conduct the water through same, and if any landowner or other person refuses to permit or allow such ditches or drains, he shall be guilty of a misdemeanor, and upon conviction be punished in the discretion of the court: *Provided*, when necessary in the opinion of the commissioners all ditches so dug shall be covered at the expense of the county road fund.

Drainage of
road.

Refusal to
drain
misdemeanor;
penalty.

SEC. 12. That any person who shall, after being summoned as provided for in this act, fail to appear upon said roads as required to do by summons, after having failed to pay the sum in lieu of said labor, or any person who shall appear as summoned and fail to perform good and reasonable labor as required by the overseer of his district, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for each offense and the overseer is hereby directed to appear before some justice of the peace in his county, and make such complaint and said justice of the peace shall immediately issue a warrant for the person so reported. Any overseer failing to warrant this duty shall be discharged as such overseer and his bond shall be subject to any damage or loss sustained by reason of his failure to perform such duty. All moneys paid to the overseer as provided by this act shall be kept on a record provided for by said overseer and shall be expended on the roads of his district and he shall be required to report the same as hereinbefore directed to the county commissioners; and any misappropriation of such funds by any overseer shall, upon conviction thereof, be punished

Failure to appear
misdemeanor;
penalty.

Record of
overseer.

as is now prescribed by law, and any overseer who fails or refuses to make a quarterly report to the board of commissioners of all moneys collected by him during the quarter, showing how much collected, how expended, and from whom collected and to whom paid, together with a list of parties performing road duty, such failure shall be prima facie evidence of intention to embezzle the moneys so collected by him.

Conflicting
laws repealed.

SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 263

AN ACT TO AUTHORIZE ORANGE COUNTY TO ISSUE BONDS AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Bond issue
authorized

SECTION 1. The board of county commissioners of Orange County is hereby authorized to issue, at one time, or from time to time, not exceeding one hundred and fifty thousand dollars (\$150,000) bonds of said county, for the purpose of constructing, erecting and equipping a county home for the poor and indigent of said county, and for the purchase of a site therefor, and for constructing, erecting and equipping a county jail, and for repairing, enlarging and equipping the county courthouse, or for one or more of said purposes. The said bonds shall bear interest at not more than six per cent per annum, payable semi-annually, and shall mature at such time or times not more than thirty years after their date as the said board may determine. No sale of any of said bonds shall be made at less than par and accrued interest, or until a notice of the date of receiving bids shall have been published once at least ten days before said date in a newspaper published in said county, and in a financial journal published in New York City. No other or further notice of sale shall be required nor shall a vote of the electors be necessary to authorize said bonds.

Special tax.

SEC. 2. The said board is authorized and required to levy upon all taxable property in Orange County in each year after the issuance of any of said bonds a tax, over and above all other taxes authorized or limited by law, sufficient to meet the payment of principal and interest of said bonds at the maturities thereof.

Form of bonds.

SEC. 3. The said bonds shall be issued in coupon form, and the bonds and coupons shall be executed as may be determined by said board; said bonds may, in the discretion of the board and upon terms to be by it provided, be made subject to registration as to principal alone, or as to both principal and interest.

Additional powers.

SEC. 4. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session of the General Assembly.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 264

AN ACT TO AMEND CHAPTER 453 OF THE PUBLIC-LOCAL LAWS OF 1919, CREATING THE HIGHWAY COMMISSION FOR PITT COUNTY.

Amendment.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and fifty-three of the Public-Local Laws of nineteen hundred and nineteen entitled "An act to create a highway commission for the county of Pitt" be and the same is hereby amended as follows:

Amendment.

SEC. 2. That section two be amended by inserting the word "county" after the word "Pitt," in line three of the said section, and before the word "highway," by inserting the word "county" after the word "Pitt" and before the word "highway," in line seven of said section.

Amendment.

SEC. 3. That section three be amended by striking out the word "two," in line seven in said section, and inserting in the place thereof the word "six," and inserting after the word "for" and before the word "and," in line eight of said section, the words "six years."

Amendment.

SEC. 4. That section five be amended by inserting the word "county" after the word "Pitt" and before the word "highway," in line one of said section.

Amendment.

SEC. 5. That section six be amended by striking out the word "faults," in line ten of said section, after the word "the" and before the word "of," and inserting in the place thereof the word "funds."

Amendment.

SEC. 6. That section eleven be amended by striking out the word "uncultivated," in line five of said section, also striking

Amendment. out the words "except trees for ornament or shade," in line six of said section.

SEC. 7. That section twelve be amended by striking out the word "forty," in line twenty-five, and inserting in place thereof the word "fifty"; That said section be further amended by inserting and adding after the word "appeal," in line thirty-eight of said section, the following, "and in all instances the general and special benefits shall be assessed as offsets against damages."

Amendment.

SEC. 8. That section fifteen be amended by striking out the words "January, March, July and October," in lines nine and ten, and inserting after the word "in," in line nine, and before the word "giving," in line ten, the following: "December or when requested by the board of county commissioners of Pitt County."

Amendment.

Amendment.

SEC. 9. That section seventeen be amended by striking out the word "absolutely," in line seven.

SEC. 10. That section twenty-two be amended by striking out the words "or in any year in which a vacancy should occur in said Pitt highway commission," in line four, after the word "expire" and before the word "proceed," in line five, and by striking out the words "or fill the vacancy as the case may be" after the word "successor," in line five, and before the word "occurring," in line six. That said section be further amended by striking out the word "eight," in line nine, and inserting in place thereof the word "seven."

Amendment.

Amendment.

SEC. 11. That the said act be further amended by striking out the whole of section twenty-three.

SEC. 12. That section twenty-four be amended by striking out the word "two," in line three, and inserting in place thereof after the word "exceeding" and before the word "dollars" the word "four."

Amendment.

SEC. 13. That section twenty-nine be amended by striking out the words "last Thursday in January, April, July, October" after the word "the" before the word "of," in line two, and inserting in the place thereof the words "first Monday of each month."

Amendment.

SEC. 14. That section thirty be amended by striking out the words "three dollars," in line four, and inserting in the place thereof after the word "allowed" and before the word "per" the words "not to exceed four dollars."

Amendment.

Amendment.

SEC. 15. That said act be further amended by striking out section thirty-one.

SEC. 16. That chapter four hundred and fifty-three, Public-Local Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by adding and inserting after

section seventeen and before section eighteen the following, System of county roads.
to be known and designated as section seventeen and one-half:

Sec. 17½. That the Pitt County highway commission shall lay out and establish a complete system of county roads that will reach every part of the county and serve all parts of the county, thereby perfecting a systematic system of dirt roads. These roads to be known as county roads and to be improved and maintained by a county unit system and maintenance under the supervision of Pitt County highway commission. Amendment.

SEC. 17. That section twenty-two be amended by inserting after the word "commission," in line seven, and before the word "provided" in line seven, the following: "Provided, that at all times there shall be on said Pitt County highway commission one member residing on the north side of Tar River, one from the town of Greenville, and one from the south side of Tar River, outside Greenville Township." Conflicting laws repealed.

SEC. 18. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 265

AN ACT TO AMEND CONSOLIDATED STATUTES, SECTION 6675, RELATIVE TO LISTING DOGS FOR TAXATION IN MITCHELL COUNTY, AND PENALTY FOR FAILURE TO LIST.

The General Assembly of North Carolina do enact:

SECTION 1. That Consolidated Statutes of one thousand nine hundred and nineteen, section one thousand six hundred and seventy-five, be and the same is hereby amended by striking out all of said section after the word "conviction," in line six thereof, and by inserting in lieu thereof the following: "shall be fined not less than five dollars or more than fifty dollars, or imprisoned not exceeding thirty days, and the sum of five dollars shall be taxed in the costs and paid to the person or persons causing the arrest to be made and securing conviction. The owner of the home or lessee of such owner shall be responsible for listing of any dog belonging to any member of his family." Application of act.

SEC. 2. That this act shall apply to Mitchell County only. Conflicting laws repealed.

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

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 266

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WATAUGA COUNTY TO REASSESS THE LANDS OF SAID COUNTY FOR THE PURPOSE OF TAXATION.

The General Assembly of North Carolina do enact:

Revaluation
of lands.

SECTION 1. That the board of commissioners of Watauga County are authorized at their regular meeting in May, nineteen hundred twenty-five, to order a revaluation or reassessment of all lands in said county for the purposes of taxation for the year nineteen hundred twenty-five, if in their discretion such is necessary to the equal distribution of the burdens of taxation, and such valuation to continue until the next regular assessment under the general laws of the State.

Commissioners
authorized reduce
valuation.

SEC. 2. That said board of commissioners in carrying out the purpose of section one are authorized to make a horizontal reduction in the present valuation of all lands in said county not exceeding twenty-five per cent of the present assessed value thereof or to make a complete reassessment under the rules provided for the assessment of lands by the general laws of the State.

Application
of act.

SEC. 3. That this act shall apply only to the county of Watauga.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 267

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF WAYNE COUNTY TO GRANT CERTAIN RELIEF TO THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
authorized
relieve sheriff.

SECTION 1. That the board of county commissioners of Wayne County be and they are hereby authorized and empowered in their discretion to reimburse Sheriff W. D. Grant of said county such sum of money as he has heretofore paid in to said county for money collected for taxes and deposited by

him in the Planters Bank and Trust of Fremont, North Carolina, which said bank is now in the hands of a receiver and which bank failed while the said money was deposited therein: *Provided*, that all dividends or payments received by the said sheriff from the receiver of said bank as reimbursement for said funds so deposited by him shall be deducted from the amount which the county shall reimburse him; and *provided further*, that in no event shall the amount the county reimburses him exceed eight hundred dollars.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 268

AN ACT TO REGULATE THE ISSUANCE OF BONDS IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Rockingham County, or other governing body of said county, shall not issue and sell any bonds of said county, or create any obligation of said county necessitating the issuance of bonds of said county, without the same be submitted to a vote of the electors of Rockingham County and ratified by them.

Bond issues regulated.

SEC. 2. That nothing in this act shall apply to the powers laid down in article seven, section seven, and article nine, section three of the Constitution of North Carolina, but said necessary expenses in said articles, in so far as they apply to Rockingham County, shall mean the building of public buildings, roads and bridges destroyed by fire, storm or flood or acts of God, and the building and equipping of public school buildings where there are no buildings to carry on the public schools for six (6) months, and none can be obtained without being built by proceeds from bonds or loans for said purpose.

Application of act.

SEC. 3. That this act shall not apply to refunding bonds, or debts already incurred.

Application of act.

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

Conflicting laws repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 269

AN ACT TO BUILD AND MAINTAIN A SYSTEM OF ROADS
IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
created road
governing body.

SECTION 1. That for the purposes of carrying out the provisions of this act, the board of county commissioners of Yancey County are hereby created the road governing body of said county.

Additional
powers to build,
etc., roads and
bridges.

SEC. 2. That in addition to all powers vested in boards of county commissioners as road governing bodies by the Consolidated Statutes and amendments thereto, or by special acts relating to Yancey County, the board of county commissioners are hereby given all necessary power and authority to lay out, build, maintain and protect a county system of roads and bridges; to alter, change and amend any part or parts of road system, or discontinue any part of same; to acquire by purchase or condemnation proceedings all necessary rights-of-way or road material, with rights of egress or ingress thereto; to employ and discharge all road employees in the county at the pleasure of the commissioners or a majority thereof, fix the compensation and prescribe the duties of the said employees.

Authority to
pave, etc., roads.

SEC. 3. That said commissioners of the county of Yancey shall have the exclusive power and authority over all public roads in the county, to pave or otherwise surface the same, and shall also have the right of condemnation for the purposes mentioned in the preceding section as follows: When the said board shall be of the opinion that it is necessary and for the public good that a new road or cartway shall be made, or that any old road or cartway shall be changed, relocated or discontinued, said board shall declare and shall appoint one of its members, who, together with a competent surveyor or engineer to be designated for that purpose, shall view the premises and lay out the same, and they shall make report of their action to the board. The board of commissioners shall either approve or disapprove said report at its next regular meeting, not exceeding thirty days thereafter, and if said board approves the same, it shall immediately order and direct the making and laying out of said road, or the making of any change or discontinuance, and the same shall be done under the direction of said board of county commissioners and those designated by said board, either with free labor or by letting the same to contract as shall be designated by said board of county commissioners. If any person or persons whose land is affected by any new road or any change or relocation of any old road, within thirty days after such order is made

Approval
of board.

directing the said making of said new road or any change in any old road, claim damages therefor, he or they shall demand of said board in writing damages for the same; and if said board and said owner or owners, or the person affected, cannot agree upon the amount of said damages, then said board, within not more than sixty days after the completion of said road, shall order a jury of three disinterested freeholders who shall not reside in the immediate vicinity of the said new road to be summoned by the sheriff or constable who shall give the landowner or owners, or their legal representatives, at least forty-eight hours notice of the time and place when and where said jury, after being duly sworn, shall view the premises, and shall, after taking into consideration the benefit of the said new road to the public travel and to the owner or owners of the land and the increase in value of his land by reason of said new road, shall assess the damages, and if said benefits shall be considered equal to or greater than the damages sustained, the jury shall so declare. Benefits may also be assessed by said jury against the property of any owner on said new road. Said jury shall, at the next regular meeting, file their report in writing showing damages and benefits, if any. The board shall either approve or reject said report; and if damages are assessed, same shall be paid out of the county road fund. If the jury shall assess benefits the same shall be a lien upon the land affected by said new road, and the amount of the same shall be paid by the landowner to the treasurer of Yancey County into the road fund of the county. If such landowner shall, within sixty days, fail to pay amount of such benefits, the clerk of the board shall certify the same to the clerk of the Superior Court, who shall record in the judgment docket the amount of the benefits, together with the name of the owner, and such record shall cause the same to become a judgment against the property of the owner, and the same shall be collected by the issuing of execution in the same manner as other judgments are collected, as is now provided by law. The landowner or said board of commissioners may appeal from the finding of the jury as to damages or benefits to the Superior Court, where the question of damages or benefits shall be heard de novo, as in the cases of appeals from justices of the peace; or said county commissioners may, in their discretion, reject the report of the jury or any subsequent jury, and order a new jury for the purposes herein. Upon the trial of said issue of damages or benefits in the Superior Court the tax record showing the assessment of said lands for taxes shall be evidence of the value of the said lands; but no appeal shall be made from the discretionary finding of said board as to the necessity for any new road or change, location, relocation, widening or dis-

Demand
for damages.View of
premises.Assessment
of damages.Failure of
landowner to
pay benefits.Trial
of issue.

continuance of any road. Cartways shall be laid out by said board in the same manner as herein provided for the laying out of roads, except that it shall not be necessary for an engineer or surveyor to assist in laying out cartways unless the petitioners request such service; except, also, that no cartways shall be ordered or authorized except upon petition and only after the owners of the land over which the same is to go shall have had ten days notice in writing. The cost of construction and maintenance of all cartways, together with damages which shall be assessed by the board of commissioners at the time said cartway is laid out, shall be paid by the person or persons petitioning for the same. Any person or persons who may desire a cartway, or who may be opposed to the making of a cartway, may appeal to the Superior Court from the action of the board in either granting or refusing the same: *Provided*, the county is in no event authorized to construct or pay the cost of constructing or maintaining cartways. If the landowner be a nonresident of the county and has no local representative, it shall be deemed sufficient service of said notice for said sheriff or constable to forward, by United States mail, a written notice giving the purpose, time and place of said meeting to said landowner seven days in advance of such meeting, and also to post a notice of the same for seven days at the county courthouse door.

SEC. 4. The board of commissioners, at their regular time for making the county tax levy for taxes and annually thereafter, shall, in addition to levying any amount necessary to pay the interest on and establish a sinking fund for the retiring of the outstanding bonded indebtedness of the county, shall proceed to levy a special tax on all taxable property of the county to create a fund sufficient to carry on and keep up the maintenance forces as provided in this act, which fund shall be kept separate and apart from the other funds of the county and shall be used for no other purpose than for the maintenance of the public roads of the county, a levy of not less than six cents on the one hundred dollars valuation of property and shall not exceed twelve cents: *Provided*, that said levy shall be made to apply to each township and that when the taxes are collected, that two-thirds of said levy shall be credited to and expended in the township where said taxes were levied and collected and the county treasurer is hereby directed to keep an account with said townships separately. The other one-third of said levy to be kept in a separate fund known as the county road fund.

SEC. 5. That all able-bodied men who are residents of Yancey County, between the ages of twenty-one and forty-five

Cost of
construction, etc.

Appeal to court;
proviso.

Special tax.

Separate fund.

Proviso.

Road duty.

years, unless otherwise exempted, shall be required to work on the public roads in their respective townships four days of eight hours each at such time and place and in such manner as the overseer in said township shall designate: *Provided*, that such overseer having charge of said road shall give to said person subject to road duty at least two days notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice, the time and place where such work is to be performed: *Provided further*, that at the time of such warning the person warned may pay to the overseer the sum of one dollar and twenty-five cents per day for the days warned to work in lieu of such work.

Proviso.

SEC. 6. That for the purpose of carrying out the provisions of this act the county commissioners shall at their regular meeting in May and annually thereafter appoint at least one overseer for each township in said county and if in their opinion they deem it necessary they may be allowed to appoint an additional overseer for said township, but in no event shall there be more than two overseers for any one township; that it shall be the duty of said overseer when he shall qualify to take an oath of office and also give a bond or undertaking in the sum of five hundred dollars with good surety, approved by said board of county commissioners for the faithful performance of the duties of said overseer. It shall be the duty of said overseer to take charge of the roads in his township as designated by said board and to keep the same in good repair, using the free labor in his township or the proceeds derived in lieu of said labor, it shall be his duty at least every three months to furnish said board of county commissioners an itemized, sworn statement, showing the persons who have performed road duty, together with the number of days worked, also any and all moneys collected in lieu of road duty and how same was expended. Said overseer shall on the first Monday in June and annually thereafter furnish to said board of county commissioners a list of all persons subject to road duty in his township, which statement shall be under oath. Said overseer shall be under the control and direction of said board of commissioners and shall do and perform the duties prescribed by said board and any failure on his part to comply with the orders of said board shall be a breach of his office and subject him to discharge without notice. Said overseer shall receive the sum of two dollars and fifty cents per day of eight hours each for the time actually put in by him on the roads in his district or township and to be paid out of the township road fund for the township for which he is appointed. He shall also receive

Overseer.

Duties of overseer.

Statement of overseer.

Compensation of overseer.

five cents per name for warning the hands, same to be paid out of the township road fund, but in no event shall he receive the two dollars and a half per day and the five cents per name for the same work. He shall work at least ten hands each day he works upon the roads unless otherwise ordered by the board of commissioners.

Engineer.

SEC. 7. The said commissioners may elect or appoint an engineer for any particular case which may arise, but in no event shall they appoint or elect an engineer for whole time duty.

Unlawful.

SEC. 8. That it shall be unlawful for any person, firm or corporation to operate or cause to be operated any truck, trailer, tractor, engine or logging machinery, or any other machine or vehicle of any kind whatsoever where the operation of the same is a damage to the roads or bridges of the county exceeding that of ordinary travel. Any person so doing shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than fifty dollars for each and every offense, or imprisoned not exceeding thirty days: *Provided*, that in addition to the above penalty, any person, firm or corporation violating this act shall become liable to the county for any damages caused by reason of such violation.

Unlawful.

SEC. 9. That it shall be unlawful for any person, firm or corporation to drag logs over or along or obstruct the public roads or bridges of the county of Yancey by throwing or wasting or dropping dirt, sand, debris or timbers upon same, or to fill or cause to be filled any drainage, drain pipes, ditches, side drains or under drains with leaves, trash, rock, dirt or other obstruction which shall in any manner obstruct the free passage of water, or to drain water into or upon said roads from any field or adjacent lands, or in any manner to injure or damage the said public roads or bridges of said county. It shall be unlawful for any person to pile or pack any lumber, wood or other obstruction over or on said water ditches of any public highway, or to leave any wagon, truck, engine or machine or any other obstruction within ten feet of the center of said highway at night without a light. Any person violating the provisions of this act shall be guilty of a misdemeanor and be punished as provided in section eight of this act.

Violation
misdemeanor;
penalty.

SEC. 10. That the board of county commissioners are hereby fully authorized and empowered and directed to make, from time to time, and publish the same, such other traffic rules and regulations as they may deem necessary for the protection of the roads and bridges of the county or the traveling public and any one violating such rule or rules shall be guilty of a misdemeanor and be punished as provided in section eight of this act.

SEC. 11. It shall be the duty of the overseer of any township, under the direction of the board of county commissioners, to drain or cause to be drained any public road or part of such road in his charge and in doing so he shall make such waterways, ditches, and drains as will cause the water to run its natural course, and the water from such roads shall be conducted through ditches to or over the lands of abutting landowners in such a manner as will best drain the road, with due regard to the interest of the landowners. If it is necessary, in order to properly drain any road, said overseer shall dig such ditch or ditches as may be necessary over the adjoining lands, doing as little damage as possible. Whenever it shall be necessary in the opinion of said overseer that such ditch or drain is required, the landowner shall permit said overseer and his assistants to go up on his land and dig such ditches and make such drains as may be necessary to conduct the water through same, and if any landowner or other person refuses to permit or allow such ditches or drains, he shall be guilty of a misdemeanor, and upon conviction be punished in the discretion of the court: *Provided*, when necessary in the opinion of the commissioners all ditches so dug shall be covered at the expense of the township in which said road is located.

Drainage
of roads.

SEC. 12. That said board of county commissioners of Yancey County shall lay out, construct, build and maintain a public road leading from a point near the L. D. Thomas storehouse, in Brush Creek Township, across the Chestnut Mountain, by way of Pleasant Grove Church, to Brush Creek High School, which road shall be so constructed so as to obtain the best grade, taking into consideration the section through which same shall be located, and which road shall be laid out by a competent surveyor or engineer not less than sixteen feet, nor more than twenty feet wide, and to be constructed as soon as practicable, but said commissioners shall, within six months from the ratification of this act, begin the construction of the said road and to continue the same as rapidly as possible. For the purpose of obtaining funds with which to build said road the board of county commissioners are hereby directed, when they shall make the regular levy, to make an additional levy annually of not less than five cents nor more than ten cents on each one hundred dollars worth of property which fund when collected shall be kept separate and apart from all other funds and known as the Brush Creek road fund. The said board of county commissioners are also empowered to execute short term notes for any money necessary to complete the above road and which short term notes shall be taken care of out of the above levy.

Road to
be built.

Commissioners
to place sand
on road.

SEC. 13. The board of county commissioners of Yancey County are hereby directed to place sand and gravel on the road leading from the public highway from Burnsville to Spruce Pine and at a point locally known as Mine Ford to Booneford. The funds with which said road shall be sanded and graveled shall be taken from the county road fund until same is completed. Should there be an insufficient amount of funds on hand to complete this proposition during any one year and to take care of the other necessary expenses, then said board of county commissioners are hereby directed to use any amount available from such funds until said proposition has been completed.

Collection of
road tax.

SEC. 14. The sheriff of Yancey County is hereby directed and empowered to collect from any one subject to road duty and against whom a road tax was levied for the year one thousand nine hundred and twenty-three and who has not paid the same, such amount as now stands against such person for said year, and any one failing to pay said tax or perform the duty imposed upon him shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than twenty-five dollars or imprisoned not exceeding thirty days.

Failure to pay
misdemeanor;
penalty.

SEC. 15. That any person who shall, after being summoned as provided by this act, fail to appear upon said roads as required to do by summons, after having failed to pay the sum in lieu of said labor, or any person who shall appear as summoned and fail to perform good and reasonable labor as required by the overseer of his district, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than twenty-five dollars for each offense, and the overseer is hereby directed to appear before some justice of the peace in his county and make such complaint and said justice of the peace shall immediately issue a warrant for the person so reported. Any overseer failing to perform this duty shall be discharged as such overseer and his bond shall be subject to any damage or loss sustained by reason of his failure to perform such duty. All moneys paid to the overseer as provided by this act shall be kept on a record provided for by said overseer and shall be expended on the roads of his district and he shall be required to report the same as hereinbefore directed to the county commissioners; and any misappropriation of such funds by any overseer shall, upon conviction thereof, be punished as is now prescribed by law, and any overseer who fails or refuses to make a quarterly report to the board of commissioners of all moneys collected by him during the quarter, showing how much collected, how ex-

Misdemeanor;
penalty.

Discharge of
overseer.

pended and from whom collected and to whom paid, together with a list of parties performing road duty, such failure shall be prima facie evidence of intention to embezzle the moneys so collected by him.

SEC. 16. That it shall be lawful for and the duty of the present sheriff and tax collector to collect the road tax due by any one subject to road duty for the year one thousand nine hundred and twenty-four, as well as for the year one thousand nine hundred and twenty-three, as set out in section fourteen of this act, provided that same is paid on or before July first, one thousand nine hundred and twenty-five, but should any one fail to pay said road tax for said years by said time, then it shall be the duty of the sheriff and tax collector to turn over to the overseers of the different townships a list of the names of the persons subject to road duty and who have not paid same, and it shall be the duty of the respective overseers to immediately summon said parties to do road duty and who shall be required to perform the labor as heretofore set out unless they shall pay in lieu thereof the amount due as provided by law.

Duty of
sheriff.

List of names
subject to
road duty.

SEC. 17. That chapter one hundred and twenty-three of the Public-Local Laws of one thousand nine hundred and twenty-three is hereby repealed except as herein set out and all other laws and clauses of laws in conflict with this act are hereby repealed.

Chapter
repealed.

SEC. 18. That in the event any section, paragraph, clause or portion of this act shall be held to be unconstitutional, the remainder thereof shall not thereby be invalidated but shall remain in full force and effect.

Unconstitu-
tionality.

SEC. 19. That this act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 270

AN ACT GIVING ANY POST AMERICAN LEGION OF ROBESON COUNTY THE RIGHT TO STAGE BOXING MATCHES FOR THEIR OWN BENEFIT AND AMUSEMENT AND TO PROMOTE THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand four hundred and twelve (4412) of chapter eighty-two (82) of the Consolidated Statutes of North Carolina be and the same is hereby amended by adding the following proviso to the end thereof:

Section
amended.

Provided, nothing herein contained shall be construed or intended to prevent any Post American Legion of Robeson County from staging bouts in Robeson County for their own amusement and benefit: *Provided further*, that when a prize fight, sparring match, glove or fist contest is staged and promoted by any American Legion Post that it shall be properly supervised by the officers of the post staging same and that there shall be no betting allowed and that any and all persons betting or attempting to bet on the results of any bout so staged shall be punished under the penalty of the above statute.

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 force and effect from and after its ratification.

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 271

AN ACT TO AMEND SECTION 1 OF CHAPTER 118 OF THE PUBLIC LAWS OF 1911, INCREASING THE COMPENSATION OF THE COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, AND INCREASING THE NUMBER OF DAYS SERVICE IN EACH MONTH.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one of chapter one hundred and eighteen of the Public Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out all of section one of said chapter, beginning with the second word "the," in line four of said section, and inserting in lieu thereof the following:

Compensation.

"The county commissioners of Cumberland County shall receive as compensation for their services five dollars (\$5) per day for attending regular or special meetings of the board, not to exceed six days in any one month, when transacting general county business, and mileage as now provided by law, and in addition thereto shall receive five dollars (\$5) per day for extra services rendered the county on committees or otherwise when ordered or approved by the board, not to exceed six days in any one month."

Conflicting
laws repealed.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed in so far as they may apply to Cumberland County.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 272

AN ACT TO AMEND CHAPTER 78, PUBLIC-LOCAL LAWS OF THE SESSION OF 1923, RELATING TO THE DUTIES OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, AND TO FIX THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out all of section nine of said chapter. Amendment.

SEC. 2. That chapter seventy-eight of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out all of section twelve of said chapter and by inserting in lieu thereof the following: "Sec. 12. The chairman shall receive the sum of five hundred dollars per year for his services, and the two commissioners four hundred dollars each per annum, payable quarterly." Amendment.

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

SEC. 4. That this act shall be in full force and effect from and after June first, one thousand nine hundred and twenty-five. Ratified this the 2d day of March, A.D. 1925.

CHAPTER 273

AN ACT TO PROHIBIT THE SALE OR USE OF FIREWORKS IN NEW HANOVER COUNTY EXCEPT UPON A PERMIT ISSUED BY THE BOARD OF COUNTY COMMISSIONERS.

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, to use, set off, or explode any firecrackers, roman candle, skyrocket or other fireworks in New Hanover county except upon first having applied for and secured a permit from the board of county commissioners of said county. Sale of fireworks unlawful.

Violation
misdemeanor;
penalty.

SEC. 2. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed one hundred dollars or imprisoned not to exceed ninety days.

Conflicting
laws repealed.

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

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 274

AN ACT TO AUTHORIZE GASTON COUNTY TO ISSUE BONDS TO PAY INDEBTEDNESS INCURRED IN CONSTRUCTING AND IMPROVING HIGHWAYS AND BRIDGES.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. For the purpose of paying and funding loans and indebtedness in the amount of one hundred thousand dollars (\$100,000) contracted and incurred by Gaston County for the construction and improvement of roads and bridges within said county which amount of one hundred thousand dollars (\$100,000) is due and unpaid, and for which said county has no available funds, Gaston County is hereby authorized to issue its negotiable bonds in an amount not exceeding one hundred thousand dollars (\$100,000) bearing interest not exceeding five per centum per annum, payable semiannually both principal and interest to be payable at such place or places, and in such medium, as the board of county commissioners may determine.

Serial bonds.

SEC. 2. The said bonds shall be serial bonds and shall mature in installments of four thousand dollars (\$4,000) annually, beginning not more than five years from their date.

Registerable.

SEC. 3. Said bonds may be made registerable as to the principal alone or as to both principal and interest under such conditions as may be determined by said board, and the board shall determine the method of execution thereof and of interest coupons that may be annexed to said bonds.

Record of
commissioners.

SEC. 4. A record shall be kept by the said board of commissioners, in a separate book for the purpose, of all bonds sold and to whom, the amount and date of sale, and the maturity of each bond and its number.

Special tax.

SEC. 5. In each year while any of said bonds shall be outstanding the board of county commissioners shall levy a direct tax upon all taxable property within the county sufficient to pay the principal and interest falling due in the following year

upon the bonds so issued and then outstanding, which tax shall be levied and collected as other county taxes are levied and collected, and shall be held in a separate fund and used only for such purposes.

SEC. 6. The treasurer shall keep an account of each bond, showing the amount and time of all payments upon principal and interest thereof. Treasurer to keep account of each bond.

SEC. 7. Said bonds shall be sold for cash at not less than par, after advertisement of sale, as may now or at the time of sale be provided for bonds sold under the Municipal Finance Act, and the proceeds shall be used only for paying the indebtedness recited hereinabove. Bond sale.

SEC. 8. It shall not be necessary to submit the issuance of said bonds to a vote of electors, and the board of county commissioners is hereby empowered to carry out the terms of this act. No vote of people.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 275

AN ACT TO SECURE THE BETTER ENFORCEMENT OF THE LAW AGAINST THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any officer of Bladen County who shall hereafter arrest and procure evidence sufficient to convict any person of manufacturing intoxicating liquors in Bladen County shall, upon conviction of said person so arrested, be entitled to receive a fee of fifty dollars (\$50), to be taxed against the defendant. Arrest of persons manufacturing intoxicating liquors.

SEC. 2. That any officer of Bladen County who shall hereafter arrest and procure evidence sufficient to convict any person of the offense of selling liquor contrary to law shall, upon the conviction of said person of said offense, be entitled to receive a fee of twenty-five dollars (\$25), to be taxed against the defendant. Sale of liquor.

SEC. 3. That any officer of Bladen County who shall hereafter seize or capture any vehicle or team transporting intoxicating liquors, contrary to law, and said vehicle or team is forfeited and sold under the provisions of law, said officer shall be entitled to receive a fee of twenty-five dollars (\$25), to be added to the cost of said seizure and sale, which be deducted Transportation of liquor.

from the money received from the sale of said vehicle or team, and the remainder of said sum shall be paid over to the proper authorities.

Upon conviction.

SEC. 4. That in all cases where any person is convicted of the manufacture or sale of intoxicating liquors, and the cost is not paid by the defendant, but is taxed against the county, the officer making the arrest and securing the conviction of said defendant shall be allowed a fee of ten dollars (\$10), to be taxed in the bill of cost against the county of Bladen.

Seizure of distillery.

SEC. 5. In all cases where a distillery for the manufacture of spirituous liquors shall be seized at the place of manufacture, and it shall appear that distillery was used for the manufacture of intoxicating liquors, and where one or more of the operators shall have been captured and convicted of operating such distillery, the officer of Bladen County making such seizure and capture shall receive the sum of fifty dollars (\$50), to be paid out of the general fund of said county of Bladen. Said distillery to be brought to the county courthouse of Bladen County and there destroyed by the sheriff of Bladen County in the presence of the board of county commissioners of said county.

Application of act.

SEC. 6. That this act shall apply only to Bladen County.

Conflicting laws repealed.

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 force from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 276

AN ACT TO REGULATE THE FEES OF THE REGISTER OF DEEDS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Regulation of fees.

SECTION 1. That the register of deeds of Yadkin County shall be allowed a fee for recording automobile contracts, conditional sales, crop liens, chattel mortgages and other irregular instruments affecting personal property only, of fifty cents for the first three copy sheets or fraction thereof and ten cents for each additional copy sheet or fraction thereof: *Provided, however,* that when the party filing such instrument for record shall furnish a duplicate copy of such instrument the same may be used for record and the fee for such registration shall be ten cents for each copy sheet.

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

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

Ratified this the 2d day of March, A. D. 1925.

CHAPTER 277

AN ACT TO PROHIBIT BRINGING CATTLE WITH INFECTIOUS ABORTION INTO BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All cattle, six months of age and over, before entering Buncombe County, North Carolina, if for purpose other than immediate slaughter, shall pass a negative blood test for infectious abortion agglutination or complement fixation, made by a Federal, State or commercial laboratory. Tests will not be accepted if made on female cattle in less than fifteen days following abortion or normal parturition, or more than three weeks prior to movement into the county of Buncombe.

Blood test for cattle.

SEC. 2. Each animal shall be ear-tagged, or otherwise permanently marked for identification, and the health certificate must show the date of the test and name of laboratory making same. In the event test is made by a commercial laboratory, the original report must be approved by the proper livestock sanitary official of the state of origin and attached to the copy of the health certificate sent to the county veterinarian of Buncombe County by the veterinarian who issues the health certificate. Health certificates must be issued in duplicate, the original to be forwarded to the county veterinarian of Buncombe County, Asheville, North Carolina, and the duplicate attached to the transportation company's waybill and accompany the shipment to destination.

Ear tags.

SEC. 3. No person, firm, corporation, or transportation company shall move or transport, in any manner, cattle into the county of Buncombe, except in accordance with the requirements contained in sections one and two hereof: *Provided*, said test and health certificate are subject to the approval of the veterinarian of the city of Asheville and county of Buncombe.

Unlawful transport cattle without examination.

SEC. 4. Cattle brought into the county of Buncombe from any source in violation of the requirements contained herein shall be quarantined for a period of sixty days and tested at the owner's expense, and any reactors found will be tagged or branded for identification and shipped out of the county.

Quarantine for cattle.

Violation
misdemeanor;
penalty.

SEC. 5. That any person, firm or corporation violating any of the provisions hereof shall be guilty of a misdemeanor and shall be fined or imprisoned or both in the discretion of the court.

Application
of act.

SEC. 6. That this act shall apply only to the county of Buncombe.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 278

AN ACT TO REGULATE THE FEES OF CLERK SUPERIOR COURT, REGISTER OF DEEDS AND SHERIFF OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the fees of the clerk of the Superior Court of Camden County be and the same are hereby increased thirty-three and one-third per cent of those now allowed by law.

Regulation of
fees.

SEC. 2. That the register of deeds of Camden County shall be allowed to charge and collect the following fees, to wit: For registering any deed or other writing authorized to be registered by them, with certificates of probate or acknowledgment and private examination of a married woman, containing not more than three copy sheets, one dollar and fifty cents, and for each additional copy sheet, twenty-five cents: *Provided*, that if said paperwriting to be recorded shall contain two copy sheets or less the charge shall not be over one dollar and twenty-five cents. Registering short form chattel mortgage, thirty cents; issuing marriage license, one dollar and fifty cents; making out tax receipts and stubs, calculating tax, making out record of same, not exceeding ten cents per name; all other fees for recording shall be those provided in section three thousand nine hundred and six of the Consolidated Statutes.

Fees
of sheriff.

SEC. 3. That the sheriff of Camden County shall be allowed to charge and collect the following fees, to wit: Executing summons or any other writ or notice, one dollar; arrest of a defendant in a civil action and taking bail, including attendance to justify, and all services connected therewith, one dollar and fifty cents; arrest of person indicted, including all services connected with the taking and justification of bail, one dollar and fifty cents; executing subpoenas on a witness, fifty cents; for allotment of widow's year's allowance, one dollar and fifty cents; in claim and delivery for serving the original papers in

each case, one dollar, and for taking the property claimed, one dollar and fifty cents, with the actual cost of keeping the same until discharged by law, to be paid on the affidavit of the returning officer; for levying an attachment, one dollar and fifty cents; for every execution, either in civil or criminal cases, one dollar; all other fees allowed shall be those now provided by law applicable to the sheriff of Camden County.

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

Conflicting
laws repealed.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 279

AN ACT TO PROMOTE THE LIVESTOCK INDUSTRY OF AVERY COUNTY AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO PURCHASE PURE BRED STOCK.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Avery County are hereby authorized to purchase from eighteen to twenty-five Shorthorn and Hereford bulls, the number of each breed to be determined by the livestock commission hereinafter provided for, the bulls to be not more than two years of age at the date of the purchase, and to be selected by the livestock commission and approved by the board of county commissioners. But no bull shall be selected or paid for unless the same is registered.

Authority
to purchase
bulls.

SEC. 2. That the county commissioners of Avery County are hereby authorized to create and organize a livestock commission of Avery County composed of five members, to be selected from among the most efficient and experienced cattle raisers in the county, and the county agent shall also be a member of said committee to act in an advisory capacity. It shall be the duty of said livestock commission to select and purchase said bulls with the approval of the board of county commissioners: *Provided*, that the price of said bulls shall in no case exceed one hundred dollars per head. The commission shall not be allowed any compensation except necessary traveling expenses. It shall also be the duty of the livestock commission to select experienced men to keep said bulls who shall be allowed to make a charge of one dollar for each service rendered by said bull and said compensation shall be in full for the maintenance of said bull for the time he is kept and no

Livestock
commission
created.

Proviso.

bull shall be kept at any one place longer than twelve months and after that time shall be exchanged for one from some other locality in said county.

- Keepers. SEC. 3. That the persons whom the livestock commission select to keep and care for the bulls shall be known and designated as keepers, whose duty it will be to take good care of said bulls and if any person who after being selected to keep and take care of any bull shall fail to take proper care of said bull and any damage shall result from any mistreatment on the part of the keeper he shall be liable in damages for the loss and shall also be guilty of a misdemeanor and shall upon conviction be fined fifty dollars, such fine to go to the public school fund, and shall be relieved from further duty as a keeper and the property removed from his possession.
- Duties. SEC. 4. The board of county commissioners of Avery County may at any time within two years after the purchase of any bull or bulls sell any bull to any person living in the county who will be required to keep said bull in said county, but nothing herein shall be construed to authorize the sale of any bull for less than the original purchase price. But after the expiration of two years from the date of its purchase the commissioners may sell any bull or bulls at any price that is satisfactory to said board of commissioners.
- Sale of bulls. SEC. 5. The bulls selected by the livestock commission shall be from approved herds of pure bred Shorthorns and Herefords, not more than two years, and preferably between the age of fifteen and twenty-four months, and the locality where the bulls are kept must be open for inspection and no bull shall be kept at one place longer than one year.
- Selected bulls. SEC. 6. The county commissioners may allow the keepers to fatten said bulls after they have become unserviceable and shall allow them not to exceed fifty per cent of the net proceeds from the sale of said bulls.
- Fattening of bulls. SEC. 7. Should any member of the board of county commissioners of the livestock commission fail to properly discharge his duty as an officer of the county or be influenced in any way to purchase bulls of inferior breed for the purposes of gain, such person so offending shall be guilty of a misdemeanor and upon conviction fined not exceeding fifty dollars and shall be removed from office.
- Failure to discharge duty. SEC. 8. That this act shall apply only to Avery County.
- Application of act. SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Conflicting laws repealed. SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 280

AN ACT RELATING TO THE COMPENSATION OF THE
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS
OF MECKLENBURG COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the chairman of the board of commissioners of Mecklenburg County shall receive in lieu of all other compensation now provided by law a salary of eighteen hundred dollars (\$1,800) per year, to be paid in twelve equal monthly installments. Compensation.

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

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 281

AN ACT DIRECTING THE BOARD OF COUNTY COMMISSIONERS OF GRAHAM COUNTY TO LEVY A TAX TO BUILD A FENCE TO SEPARATE STOCK LAW AND NON-STOCK LAW TERRITORY IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Graham County are hereby authorized and directed to levy upon the taxable property within the jurisdiction of said county a tax sufficient to enable said board of county commissioners to cause to be built a fence in said county separating stock law territory from nonstock law territory. The board of county commissioners of said county shall advertise in one or more papers published in said county for bids on said fence and shall let said contract to the lowest and best bidder. Special tax.
Purpose.

SEC. 2. The fence shall run from the top of the mountain near the head of the Cat Star Branch, to the gap of the mountain near where the road crosses the mountain leading from Judson to Japan Postoffice. Run of fence.

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 282

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STOKES COUNTY TO ISSUE BONDS TO FUND FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of county commissioners of Stokes County is hereby authorized to issue and sell bonds of the county of Stokes to an aggregate principal amount not exceeding seventy-five thousand dollars, for the purpose of funding floating indebtedness of the county incurred for the necessary expenses thereof prior to and outstanding March sixth, one thousand nine hundred and twenty-five. Such bonds shall be in the denominations of one thousand dollars each, and shall bear such rate of interest, not exceeding six per centum per annum, and run for such time or times, not exceeding thirty years from their date, as the said board of county commissioners may determine, and shall be signed by the chairman and clerk of the said board of county commissioners of Stokes County. They may be either coupon bonds or registered bonds, and if issued in coupon form may be registered as to principal, or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Stokes County, and the county seal shall be affixed to or impressed on the bonds and attested by the clerk of said board; but coupons of such bonds shall bear a printed, lithographed, etched, or engraved facsimile signature of the county treasurer in office at the date of the bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any change in officers occurring after such signing. They may be sold by said board of county commissioners of Stokes County at public or private sale on such terms as they may determine, at not less than par and accrued interest.

Form.

Sale.

Special tax.

SEC. 2. In order to pay the interest on said bonds and to create a sinking fund to pay them at maturity, the said board of county commissioners of Stokes County shall annually, at the time of levying other taxes, levy a sufficient special tax on all property and subjects of taxation in Stokes County.

Additional
powers.

SEC. 3. The powers hereby conferred are additional to the powers conferred by, and are not affected by any limitation imposed by, any other act, including acts already or hereafter passed at this session of the General Assembly of North Carolina.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 283

AN ACT TO REGULATE THE WORKING OF PUBLIC ROADS IN ALLEGHANY COUNTY BY FREE LABOR AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAID COUNTY TO LEVY A TAX ON PROPERTY FOR THE PURPOSES OF ROAD MAINTENANCE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Alleghany County are charged with the duty of maintaining all the public roads of said county except those taken over and maintained by the State Highway Commission of North Carolina, and to carry out the purposes of this act, the board of commissioners are hereby authorized to appoint such road overseers as they may deem proper, prescribe the duties, compensation, the number of men to be employed by them, the compensation to be paid and such other rules and regulations as the said board may deem proper and for the best interest of the public; but there must be at least one overseer for each township who must be a resident of the township for which he is appointed; it shall be the duty of the several overseers to summon those persons liable to road duty under this act by oral notice or by leaving a written notice at his residence, and such notice must be given at least two days prior to the day set for work: and any person so summoned who shall fail to appear and work upon the roads as directed by the overseer in charge, unless relieved of said duty by the payment of money as set out herein, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding twenty-five dollars (\$25). The summons or notice shall designate the time and place for said work.

SEC. 2. That all able-bodied men between the ages of eighteen and fifty years who are residents of Alleghany County shall be required to work upon the public roads of their respective townships in said county for five days during each calendar year: *Provided*, that any person liable to such road duty shall be relieved of such duty for each year in which he pays before January fifteenth the sum of three dollars and fifty cents (\$3.50) to the overseer under whom he is liable for road duty: *Provided further*, that any person shall be relieved of such duty for each day that he is summoned to work upon the payment to the overseer of the section to which he is assigned the sum of one dollar (\$1), but such payment must be made by six o'clock p.m. of the day preceding that for which he is summoned to work: and all money received by the overseers under this section shall be used upon the roads of the township where paid.

Duty county commissioners.

Road overseers.

Compensation.

Failure misdemeanor; penalty.

Road duty.

Special tax. SEC. 3. That the board of commissioners of Alleghany County, at the time of levying the taxes for the year one thousand nine hundred and twenty-five and each year thereafter, shall levy a special tax of not more than five cents on the hundred dollars valuation on all the property in the county and the funds arising from this tax shall be used for the purposes of maintaining the public roads of Alleghany County and for no other purpose and shall be kept separate and apart from other funds.

Maintenance of roads. SEC. 4. That it shall be the duty of the overseers provided for in section one of this act to [have] charge of and be responsible for the maintenance of all county roads assigned to him by the board of commissioners, to keep the same in good repair, using for that purpose the free labor provided for in section two or the money paid in lieu thereof, and in addition thereto such amount of the maintenance fund derived from the tax on property as the board of commissioners may allot to him for that purpose. It shall be the duty of each overseer at least every three months and as often in addition thereto as the board of commissioners may require, to furnish said board a sworn itemized statement of all money collected, received and expended by him and when, to whom, and for what purpose expended; the names of all persons who have worked the roads, the number of days worked, the names of all persons subject to road duty under him who have not performed that duty. Each overseer shall at all times be under the control and direction of the board of commissioners and shall perform the duties prescribed by the said board and any failure on his part to comply with the rules, regulations and orders of the board shall subject him to immediate discharge without notice and he shall at once return all money in his hands to said board, together with such report as the board may require.

Statement of overseer.

Discharge of overseer.

Deputies.

SEC. 5. That the overseers appointed by the board of commissioners under the provisions of this act shall have power and authority to select such deputies as the board of commissioners may deem proper who shall be under the supervision of the overseers and under their direction and subject to their order in the discharge of such duties as may be delegated to them by the overseers of the respective townships.

Expenditures.

SEC. 6. That the board of commissioners shall cause to be expended a fund derived from a tax on property under section three of this act among the several townships of the county, as near as may be in proportion to the amount paid by each township, having due regard, however, to the relative need of the several townships.

Laws reinforced.

SEC. 7. That all laws now in force in Alleghany County relative to the laying out and construction of roads and cartways

are hereby continued in force, it being the purpose of this act to change only such laws in said county as relate to repair and maintenance.

SEC. 8. That this act shall apply only to the county of Alleghany.

Application
of act.

SEC. 9. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting
laws repealed.

SEC. 10. That this act shall be in force from and after July first, one thousand nine hundred and twenty-five.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 284

AN ACT TO AUTHORIZE THE ROAD COMMISSIONERS OF MITCHELL COUNTY TO ISSUE ADDITIONAL ROAD BONDS FOR BAKERSVILLE TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That the road commissioners of Mitchell County are hereby authorized, empowered, and directed to construct and build the following described road in Bakersville Township, said road to begin at the Buchanan Gap and running down Mine Creek to the point to which the Mine Creek road is now graded a distance of about a mile and a-half, which road shall be put on a practical grade not to exceed seven per cent and made dependable for the full year by putting gravel or rock or other material on same, and the said road commissioners are further directed to lay out, grade and gravel a street in the town of Bakersville not less than eighteen feet wide, beginning at the corner of James Bradshaw's lot and extending to the residence of Julius Henline, and also to build a concrete sidewalk on the lower side of said street of not less than three feet in width, beginning at the same point as above and extending to the same point as above; and whatever sum, if any there is left of one thousand dollars hereby appropriated for the above street and sidewalk shall be used in building a concrete sidewalk from the high school building in the town of Bakersville to the public square. The commissioners shall within sixty days after the completion of the street and sidewalk first above mentioned appoint a jury to assess the damages to abutting properties and report their findings to said road commission at a regular meeting. The findings of said jury shall be final. The road board may pay the damages assessed.

Bond issue
authorized.

Expenditure.

SEC. 2. That the said road commissioners of Mitchell County shall expend such an amount as is necessary to build and gravel said road but not to exceed the sum of five thousand dollars, and one thousand dollars for building the street and sidewalk in the town of Bakersville, and said money may be taken from any moneys belonging to said township not otherwise appropriated. In case the said commissioners do not have sufficient money to complete said road project, and street and sidewalk in the town of Bakersville, they are hereby authorized, empowered and directed to issue additional road bonds for Bakersville Township, the proceeds from the sale of said bonds to be applied only on the road and street and sidewalk in the town of Bakersville, described in section one of this act. Said bonds shall be issued in an amount not exceeding six thousand dollars, and shall be serial coupon bonds to run not less than ten nor more than thirty years, to be in denominations of one hundred dollars to one thousand dollars and to bear interest not exceeding six per cent per annum.

Form
of bonds.

Special tax.

SEC. 3. That the county commissioners of Mitchell County are hereby authorized, empowered and directed to levy such taxes on the real and personal property of Bakersville Township as may be necessary to provide funds for the payment of interest on said bonds and the payment of said bonds at maturity, said levy not to be made unless requested by the road commissioners of Mitchell County.

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 force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 285

AN ACT TO AMEND THE STOKES COUNTY ROAD LAW SO AS TO MAKE THE ISSUING OF BONDS DISCRETIONARY WITH THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section seven (7) of chapter one hundred thirty-two (132) of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended as follows: In line two, between the word "authorized" and the word "empowered" insert the word "and"; in lines two and three, strike out the words "and directed, and it is made mandatory upon them," and insert in lieu thereof the words "in

their discretion." In line eleven, between the word "one" and the word "year" insert the word "calendar." In line twelve, strike out the words and figures "sixty thousand dollars (\$60,000)" and insert in lieu thereof the words and figures "one hundred twenty thousand dollars (\$120,000)."

SEC. 2. The purpose of this act is to make the issuing of bonds for roads and bridges in Stokes County discretionary with the board of county commissioners of said county.

Purpose of act.

SEC. 3. Nothing in this act shall be construed so as to take away from the board of county commissioners of Stokes County their rights, under the general laws of the State of North Carolina, to borrow money to build, construct or improve public roads and bridges in said county; to issue notes or bonds for the same, and to levy taxes for the payment thereof.

Application of act.

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

Conflicting laws repealed.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 286

AN ACT TO ESTABLISH TOWNSHIP RECORDERS' COURTS WITH CRIMINAL JURISDICTION IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in any township or townships, the board of county commissioners of the county in which said township lies may, in their discretion, establish a recorder's court or courts for said township or townships, which shall be a court of record and shall be held at any place in said township or townships specified by said commissioners.

Recorders' courts established.

SEC. 2. That said court shall have jurisdiction in criminal actions and proceedings as follows:

Jurisdiction as follows.

(1) Concurrent jurisdiction with justices of the peace in all criminal actions, matters and proceedings arising from criminal offenses committed within the limits of such township or townships.

1. Concurrent jurisdiction.

(2) Exclusive original jurisdiction of all other criminal offenses committed within the boundaries of such township or townships below the grade of felony, as now defined by law; and all such offenses committed within such township or townships are hereby declared to be petty misdemeanors: *Provided*, that nothing in this act shall prevent the Superior Court of the

2. Original jurisdiction.

county from assuming jurisdiction of all offenses whereof exclusive original jurisdiction is given to said recorders' courts, if within twelve months after the commission of the offense said recorder's court shall not have proceeded to take official cognizance of the same: *Provided further*, that the jurisdiction of the recorder's court shall be concurrent with the recorder's court of any city or town in said township or townships in which the recorder's court may be established.

3. Jurisdiction over following.

(3) In addition to the jurisdiction conferred by the preceding sections of this act, said court shall have jurisdiction over the following named offenses, whether such offenses be covered by the preceding sections of this act or not, to wit: larceny or receiving stolen goods knowing them to have been stolen, wherein the value of the goods does not exceed twenty dollars, except larceny from the person or from the dwelling by breaking and entering in the day time; forcible trespass; false pretense. All crimes and offenses covered by this section are hereby declared to be petty misdemeanors.

4. Criminal offenses.

(4) In all criminal offenses committed in such township or townships whereof original jurisdiction is not given to said court, it shall have jurisdiction, and is hereby fully authorized concurrent with the recorder's court of any city or town lying in said township or townships, in that portion where said recorder's court of such city or town has jurisdiction, to examine into the same and, upon probable cause being shown, bind the defendant to the Superior Court of the county, or if capital, to commit him to jail as now provided by law for courts of justices of the peace.

Authority given justices of the peace.

SEC. 3. That all justices of the peace in such township or townships are hereby authorized and directed to issue warrants and other criminal processes, and make same returnable before the said recorder's court for trial in all cases where justices of the peace do not have final jurisdiction, except in cases where the said recorder does not have final jurisdiction; in such cases the said justices of the peace may bind to the Superior Court as now provided by law. In all cases where justices of the peace of such township or townships shall issue their warrants and other criminal processes returnable before the recorder's court as above provided, they shall issue their subpoenas for such necessary witnesses as may be known to them, both for the State and for the defendants, and make their processes returnable before the said recorder's court at a time to be fixed by them, not exceeding three days from the date of issue. All warrants shall be issued upon affidavit. Said recorder is hereby authorized to administer oaths and to issue all necessary warrants, precepts and processes, and same may be issued to the sheriff

or other lawful officer or other lawful officers within the meaning of this act shall be deputy sheriffs of the county, any constable of the county, any police officer of any city or town lying in the township or townships in such cases as they are now authorized by law to serve processes, and when given under the seal of said court, the precepts and processes of said court may be issued or directed to the sheriff or other lawful officer of any county in the State of North Carolina, and be executed anywhere in the bounds of the State. Such officers shall serve the processes and precepts as now required by law.

SEC. 4. The recorder's court shall hold session at nine-thirty o'clock a.m. on Monday, Wednesday and Friday of each week, and oftener if deemed necessary in the discretion of the board of county commissioners, at some suitable place in said township or townships to be provided by said commissioners. It shall also be the duty of the commissioners of said county to provide and furnish a suitable place in the township or townships for confining defendants before their trial.

Date and hour
of session.

SEC. 5. That all offenders charged with an offense, arrested on any day after the adjournment of said court, shall give bond or be committed to the special jail provided or to the county jail for his appearance at the next succeeding session of the court.

Offenders.

SEC. 6. That each person convicted by said court of any offense shall be fined or imprisoned or both according to law, and when the punishment imposed is imprisonment, it shall be lawful for the recorder to sentence the defendant to the common jail of the county to be worked on the chain gang in said county until such sentence is served, or the defendant may be committed to jail and not be worked on the chain gang if the judgment so provides.

Punishment
of offenders.

SEC. 7. That in all cases there shall be the right of appeal on the part of the defendant from the judgment of said court to the Superior Court of the county as now provided by law, and upon such appeal the trial in the Superior Court shall be de novo. Procedure on appeal shall conform to the procedure now obtained in the courts of justices of the peace, as far as practicable. The recorder shall be the sole judge of the guilt or innocence of the defendant in all cases and no jury shall be allowed, but in lieu thereof the defendant may appeal as above provided and have his case tried before a jury in the Superior Court.

Right
of appeal.

SEC. 8. That the recorder shall be allowed a fee of fifty cents for issuing a warrant (this to include the affidavit) to be taxed in the bill of costs. When the warrant is issued by any other officer and made returnable before said recorder for trial, said

Recorder's fee.

fee of fifty cents shall be taxed in the bill of costs for the use of the officer issuing the said warrant. In addition to the above, said recorder shall tax in the bill of cost a fee of two dollars for trial and judgment, which fee shall be retained by the recorder as compensation for his services. Except as above provided the respective officers and witnesses shall be entitled to the same fees in recorder's court as are now allowed in courts of justices of the peace. All fines and costs in recorder's court shall be paid to the recorder and accounted for by him as hereinbefore provided, and said fines and costs shall be collected by him in the manner herein provided and as otherwise provided by law. The recorder shall have full power as to taxing the bill of costs and the respective items thereof under the practice now obtained in justices' courts in respect to such matters.

Prisoners
confined in
county jail.

SEC. 9. That in all cases where the defendant is confined in the county jail or in a special jail provided, in default of bond while awaiting trial, the actual cost of feeding said defendant while so confined shall be taxed in the bill of costs in cases where the defendant is found guilty. And in cases where the defendant is found not guilty this cost shall be borne by the county.

Conviction.

SEC. 10. That in cases where a defendant is convicted and allowed by the courts to pay a fine, such fine shall be in addition to the cost or include the cost as the judgment shall provide. In cases where the defendant is convicted and not allowed by the court to pay a fine but is sentenced to serve a term on the chain gang or in the county jail or other institution maintained by the county, the county shall pay the cost in the case, taxed against the State.

Payment
of fines, etc.

SEC. 11. That all fines, penalties and forfeitures collected by said recorder shall be paid not later than the tenth day of each month to the treasurer of the county, to be paid out by said treasurer according to law.

Dockets
and records.

SEC. 12. That the recorder shall keep dockets and records of all proceedings in said court, giving the names of the defendants, nature of the proceedings, the date of the trial, the judgment of the court, names of sureties and amount of bail, and the name of the State's witnesses.

Recorder
to preside.

SEC. 13. That said recorder's court shall be presided over by a recorder who shall be of good moral character and who shall be at the time of his appointment and qualification an elector in and for the county. Said recorder shall be appointed by the board of county commissioners and shall hold his office for two years and until his successor is appointed and qualified. Before entering upon the duties of his office he shall take and subscribe an oath of office as is now provided by law for judges of the

Superior Court, and shall file the same with the clerk of the Superior Court for the county, and said clerk shall duly record the same.

SEC. 14. That when the recorder is unable to preside over said court on account of sickness, absence or other cause, said recorder shall appoint some other person to act as substitute recorder. The compensation of said substitute recorder shall be paid by the recorder.

Substitute
recorder.

SEC. 15. That any vacancy occurring in the office of the recorder shall be filled by the board of county commissioners.

Vacancy.

SEC. 16. That all cases pending in the Superior Court and the courts of justices of the peace at the time of the ratification of this act, shall be tried in that court where pending and not be transferred to the recorder's court for trial.

Cases pending.

SEC. 17. That the procedure of the recorder's court, except as herein before provided, shall follow the chapter on criminal procedure and the Consolidated Statutes of North Carolina, and amendments thereto, in so far as same may be adapted to the needs and requirements of said court: *Provided*, that warrants may be amended in the recorder's court in the same manner as is now provided by law in courts of justices of the peace: *Provided*, that when the original warrant is so defectively drawn that it cannot be corrected by amendment, the recorder shall have the power to draw a new warrant, without additional cost: said substitute warrant shall be as effective as the original would have been had it been drawn in the same manner as the substitute warrant. If such change as above provided alleges such new matter that the defendant requires additional time to get ready for trial, the court shall allow him a reasonable time.

Procedure
of court.

SEC. 18. That said recorder shall give a justified bond, with sureties, in the penal sum of one thousand dollars to be approved by the clerk of the Superior Court of the county, which said bond shall be deposited with the clerk of said court. Said bond shall be conditioned on the faithful distribution of all moneys coming into his hands as recorder as provided in this act.

Recorder to
give bond.

SEC. 19. That if any of the provisions of this act shall be held to be invalid, it shall not be construed to invalidate any other provisions of this act.

Application
of act.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 287

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A BRIDGE ACROSS THE CAPE FEAR RIVER AND FOR ITS MAINTENANCE AND OPERATION.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. The board of commissioners of New Hanover County is hereby authorized to issue bonds of said county in an aggregate amount not exceeding one million two hundred and fifty thousand dollars (\$1,250,000) for the purpose of constructing a bridge across the Cape Fear River to connect the city of Wilmington with the Wilmington-Charlotte-Asheville highway, constructing the approaches and abutments of said bridge, and acquiring the necessary lands or rights in lands therefor, including the payment of temporary indebtedness incurred for said purposes as hereinafter provided.

Time, form, etc.

SEC. 2. Said bonds may be issued at such time or times, and in such manner and in such amount, denomination and form, and with such provisions as to time and place and medium of payment of principal and interest as said board of county commissioners may by resolution fix and determine, subject only to the restrictions imposed by this act. They may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or in blocks from time to time. The bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series composed of one or more bonds, the first of which annual installment shall be payable not less than three years after the date of the bonds of such issue, and the last not more than thirty years after such date of issue. The amount of said annual installments may be equal or unequal, but no installment shall be more than two and one-half times as great in amount as any prior installment of principal of the same bond issue. The bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually. They shall be issued in coupon form, but may be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of said board of county commissioners, and shall bear the seal of New Hanover County, attested by the clerk of said board. The coupons of said bonds shall be authenticated by a facsimile signature of such chairman who is in office on the date of the bonds or on the date of the delivery thereof. Said bonds shall be sold in the

manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of the bonds of cities and towns. They shall not be sold for less than par and accrued interest.

SEC. 3. The board of commissioners of New Hanover County is hereby further authorized to borrow money (a) for the purposes for which said bonds are authorized to be issued, in anticipation of the issuance of said bonds, or (b) for the purpose of paying maturing principal or interest of said bonds, in anticipation of the receipt of taxes, tolls, or other revenues, or (c) for the renewal of payment of any loan made under this section and the interest thereon. Notes of the county shall be issued for all moneys borrowed under this section. Every such note shall mature within one year after its date. The interest accruing on such notes or on said bonds during the period of construction of said bridge and its approaches and abutments may be deemed a part of the cost of said improvements and paid out of the proceeds of the sale of said bonds.

Commissioners
authorized to
borrow money.

SEC. 4. The full faith, credit and taxing power of New Hanover County shall be and are hereby pledged for the punctual payment of the principal and interest of all bonds and notes issued under this act. The board of county commissioners of said county shall annually levy and collect a sufficient special tax ad valorem on all taxable property in said county for the special purpose of paying said principal and interest as they respectively become due: *Provided, however,* that such tax may be reduced by the amount of other moneys appropriated and made actually available for said purpose pursuant to this act. All such taxes collected and applied to the payment of said principal and interest shall be deemed to have been advanced by the general fund of said county to the bridge fund herein provided for, and shall be repaid to the general fund out of the tolls hereinafter provided for, or out of any moneys which may be obtained for that purpose from the State of North Carolina.

Faith of
county pledged.

SEC. 5. The proceeds of said bonds and notes shall be paid to the county treasurer of New Hanover County and disbursed by him only upon orders of the board of county commissioners. The board of county commissioners shall have power to require the county treasurer to give a surety bond, for such sum as they may deem adequate, for the faithful performance of his duties under this act. The premium on said surety bond, and also all expenses incurred by the board of county commissioners in the preparation, issuance and sale of the bonds and notes issued under this act, shall be paid out of said proceeds.

Proceeds
paid to
treasurer.

Tolls for use
of bridge.

SEC. 6. Except as herein otherwise provided, the board of commissioners of New Hanover County shall charge and collect tolls for the privilege of using said bridge, at such rates as will in the judgment of the board of commissioners produce an amount sufficient to pay the principal and interest of all bonds and the interest on all notes issued under this act, as such principal and interest become due, and the expense of collecting said tolls and of operating and maintaining said bridge. Said board of county commissioners shall have power to employ such collectors and other employees as they may deem necessary in order to collect said tolls and operate and maintain said bridge. Said tolls, when collected, shall be turned over by the collectors to the county treasurer, to be kept by him in a separate fund to be known as "the Cape Fear Bridge Fund," and applied upon orders of the board of county commissioners to the payment of said principal and interest and said expenses of collecting said tolls and operating and maintaining said bridge, and to the repayment to the general fund of New Hanover County of such sums as may have been collected by ad valorem taxes and used for the purpose of meeting such payments.

Discontinuance
of toll; when.

SEC. 7. The collection of said tolls shall be discontinued and said bridge shall be opened for the free use of the traveling public;

(a) All notes,
etc., are paid.

(a) When all bonds and notes issued under this act and all other debts and expenses incurred for constructing said bridge and its approaches and abutments and acquiring lands or rights therefor, and for collecting said tolls and maintaining and operating said bridge up to that time, have been paid, and the general county fund has been reimbursed for all sums derived from taxes which shall have been used for the purpose of paying said bonds, notes, debts and expenses; or

(b) Bonds are
paid.

(b) When there has been accumulated a fund, derived from tolls or otherwise, which, together with the interest to accrue on such fund, will, in the judgment of the said board of county commissioners, be sufficient to pay all of said bonds and notes and said other debts and expenses, and to reimburse the general fund for advances made as aforesaid; or

(c) Agreement
of highway
commission.

(c) When the State Highway Commission of North Carolina shall have entered into an agreement with said board of county commissioners whereby said highway commission shall assume the payment of all of said bonds and notes then outstanding and all of said other debts and expenses, and shall have paid over to New Hanover County the amount of all advances made from the general fund as aforesaid which have not been replaced by means of tolls.

SEC. 8. The board of commissioners of New Hanover County is hereby authorized to turn over the said bridge to the State Highway Commission in the event that said highway commission shall be able and willing to enter into an agreement as described in clause (c) of section seven of this act. After said bridge has been turned over to said highway commission it shall constitute a part of the State highway system and shall be operated and maintained at the expense of the State.

Bridge turned over to highway commission.

SEC. 9. After said bridge shall be opened for the free use of the traveling public the board of commissioners of New Hanover County shall levy annually a sufficient tax on all taxable property in said county for the purpose of maintaining and repairing said bridge, unless said bridge shall be turned over to the State Highway Commission as provided in this act.

Special tax.

SEC. 10. When said bridge is completed and opened for use, the New Hanover-Brunswick ferry commission shall have power to sell, at either public or private sale and for the best price obtainable, all boats and other equipment then belonging to the counties of New Hanover and Brunswick and being operated by said ferry commission. The net proceeds of such sale shall be paid to the treasurers of said counties in the proportions of one-third to Brunswick County and two-thirds to New Hanover County. The amount received by New Hanover County shall be put aside and used only for the purpose of paying the principal and interest of the outstanding ferry improvement bonds of New Hanover County.

Sale of boats, etc.

SEC. 11. The board of commissioners of New Hanover County is hereby authorized to construct the said bridge, its approaches and abutments, and acquire, by purchase, condemnation or gift, the necessary lands and rights in land therefor. The said board shall have power to condemn lands which it deems necessary for said purpose in the same manner and by the same proceedings as railroad companies are authorized to condemn lands for rights-of-way. Said board may if it deems it advisable enter into a contract with the State Highway Commission whereby said commission shall build and operate said bridge upon such terms as may be mutually agreed upon, and full authority is hereby given to both said board and said highway commission to enter into such contract and to discharge the respective obligations incurred thereunder. The State Highway Commission is hereby authorized, empowered and directed to have said bridge inspected by their engineers as the building thereof progresses, to the end that it be properly constructed and in accordance with the plans and specifications therefore and in such manner as will meet with the approval of said highway commission. The said board of county commissioners shall have power to determine

Commissioners authorized to construct bridge.

the location of said bridge: *Provided, however,* that the location, type and construction of said bridge shall conform to the requirements of the War Department of the United States.

Additional powers.

SEC. 12. The powers conferred by this act are conferred in addition to and not in substitution for the existing powers of New Hanover County, and are not subject to any limitation or restriction contained in any other act, except as herein otherwise provided.

Unconstitutionality.

SEC. 13. If any portion of this act in relation to the construction of said bridge shall be unconstitutional, the remainder of this act shall stand.

Conflicting laws repealed.

SEC. 14. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 288

AN ACT TO REPEAL CHAPTER 149, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924, RELATING TO THE ROADS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter one hundred and forty-nine, Public-Local Laws, extra session, one thousand nine hundred and twenty-four, be and the same is hereby repealed.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 289

AN ACT TO ENLARGE THE POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY, AND TO AUTHORIZE THEM TO COOPERATE WITH THE STATE HIGHWAY COMMISSION IN REFERENCE TO ROAD BUILDING IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Powers county commissioners enlarged.

SECTION 1. That since the board of county commissioners of Robeson County now have full and ample authority to issue the obligations of said county, for the necessary expenses of said

county, it is hereby declared that lending or advancing money to the State Highway Commission to build roads in Robeson County, as a part of said State Highway system, and to cooperate with the said State Highway Commission in building the same upon a share basis, or otherwise, is a necessary expense within the meaning of article seven, section seven, of the Constitution of North Carolina.

SEC. 2. That the board of county commissioners of Robeson County are hereby authorized to advance or lend to the State Highway Commission such sums of money, upon such terms as may be agreed upon between the State Highway Commission and the said board of county commissioners of Robeson County, and to join in the building of any road in Robeson County with the State Highway Commission, upon a share basis or otherwise, as to the commissioners may seem best, and such contracts, when entered into, shall be binding, effectual and enforceable against the respective parties thereto.

Further
authority given.

SEC. 3. That this act shall apply to any road within the county of Robeson that is now, or may hereafter be, a part of the State highway system.

Application
of act.

SEC. 4. That all authority now vested in the board of county commissioners of Robeson County by law, general, special, private or private act, with reference to the issuing of bonds for the purpose of building roads, either as county roads or township roads, or otherwise, and for the necessary expense connected therewith and for the maintenance of the same, and for the purpose of meeting any necessary expense of the county, is hereby declared to apply to expense of building, laying out, establishing, altering, repairing, grading, construction and improving any roads within said county of Robeson, which are now, or may hereafter be, a part of the State highway system in cooperation with or in contract with the State Highway Commission, in any manner set out in such contracts.

Expense of
building, etc.,
county roads.

SEC. 5. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

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

Conflicting
laws repealed.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 290

AN ACT TO AMEND CHAPTER 322, PUBLIC-LOCAL LAWS OF 1921, PROVIDING FOR BETTER ROADS FOR PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by striking out section four of said chapter and inserting in lieu thereof the following: "Sec. 4. Each road overseer shall make a report to the township commissioner, within thirty days after his appointment, of the number of able-bodied men within the ages of twenty-one and forty-five years residing within his road section, together with the names of each, and all such men in said section shall be required under the provisions of this act to work on the public roads of Pender County six days in each year; and ten hours of good and faithful service shall constitute a day's work: *Provided, however,* that such persons liable to road duty may pay three dollars per year in lieu of performing road work, payable one and one-half dollars on or before the first day of January and one and one-half dollars on or before the first day of July of each year: *Provided further,* that for the year one thousand nine hundred and twenty-five such persons may pay one and one-half dollars on or before the fifteenth day of May and one and one-half dollars on or before the fifteenth day of October. All persons failing to pay said money on or before said dates shall be deemed to have waived their rights to pay such money in lieu of road work: *Provided,* that every person liable to road duty may pay to the overseer, on or before seven o'clock a.m. of the day on which he is summoned to work, the sum of one dollar and be relieved from work on such day. Said township commissioner shall keep a book which shall contain the names of such road overseers and the names of all men in such sections liable to road duty under the provisions of 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 force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

Amendment.

Conflicting laws repealed.

CHAPTER 291

AN ACT TO AUTHORIZE THE PASQUOTANK HIGHWAY COMMISSION TO ISSUE BONDS FOR ROAD CONSTRUCTION IN PASQUOTANK COUNTY, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Pasquotank highway commission, of Pasquotank County, be and it is hereby authorized and empowered to issue coupon bonds in a principal amount not exceeding two hundred and fifty thousand dollars (\$250,000), to be denominated "Pasquotank County Road Bonds, nineteen hundred and twenty-five"; that said Pasquotank highway commission is also authorized and empowered to prescribe the form of said bonds, the denominations in which they shall be issued, the length of time they shall run, and the rate of interest they shall bear, which shall not however exceed six per centum per annum, payable semiannually: *Provided, however,* said commission may award said bonds to the bidder offering to take them at the lowest rate of interest, provided the notice of sale invites bidders to name the rate of interest which the bonds are to bear. The said bonds shall bear the signature of the chairman and secretary of said Pasquotank highway commission and shall be attested by the register of deeds of said county and the county seal of Pasquotank County shall be affixed to each bond. The bonds shall have coupons attached for the interest to be paid thereon, which shall be payable to bearer, and shall bear a facsimile signature of the secretary of said commission in office at the date of the bonds or at the delivery thereof. The delivery of bonds so executed shall be valid notwithstanding any change in the officers, or in the seal of the commission occurring after the signing and sealing of the bonds. That said bonds so issued shall be the valid and binding obligation of the county of Pasquotank.

Bond issue authorized.

Proviso.

SEC. 2. The said commission shall by resolution fix the times and place or places, either within or without the State of North Carolina, at which the principal and interest of said bonds shall be payable. The bonds may be issued all at one time, or from time to time in blocks, and different provisions may be made for different blocks.

Payment.

Issuance.

SEC. 3. That said bond issue made under this act shall mature in annual installments or series, the first of which shall be made payable not more than three years after the date of the first issued bonds of such issue, and the last not more than thirty years thereafter. No such installment or series shall be more

Maturity.

than two and one-half times as great in principal amount as the smallest prior installment or series of such bond issue.

Registration
and transfer.

SEC. 4. The said Pasquotank highway commission may provide for the registration and transfer of such bonds in the manner provided for registration and transfer of bonds by "The Municipal Finance Act, nineteen hundred and twenty-one."

Bond sale.

SEC. 5. That said bonds, and each block thereof, shall be sold by said highway commission in the manner provided for the sale of bonds by "The Municipal Finance Act, nineteen hundred and twenty-one."

Proceeds.

SEC. 6. The proceeds of the sale of bonds of said Pasquotank highway commission shall be used only for the purpose of laying out and constructing hard surface highways and bridges in Pasquotank County, and for paying necessary expenses incident thereto, and no part thereof shall be used for the purpose of road maintenance after the completion of any road project undertaken hereunder: *Provided*, that the interest on the bonds herein provided for may be paid out of said proceeds in anticipation of taxes for the current year, and for the payment of the principal and interest of temporary loans made in anticipation of the sale of bonds. The cost of preparing, issuing and marketing bonds shall be deemed one of the purposes for which the bonds are issued.

Bonds validated.

SEC. 7. Any bonds reciting that they are issued pursuant to this act shall, in any action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed, and delivered in conformity herewith, and with all other provisions of statutes applicable thereto, and shall be incontestable, anything herein, or in other statutes, to the contrary notwithstanding, unless such action or proceeding is begun prior to the delivery of such bonds.

Separate
accounts.

SEC. 8. That the proceeds derived from the sale of said bonds issued under the provisions of this act shall constitute a separate and distinct fund to be applied and appropriated to the purposes herein specified, and that said Pasquotank highway commission shall cause the treasurer or financial officer of the county to keep separate accounts of said funds so that the condition of the same may at all times be shown, and also keep a book in which the number and amount of bonds sold shall be entered, together with the date, the amount paid for same and the date when the principal and interest falls due.

Sale.

SEC. 9. That said bonds shall not be sold for less than par and accrued interest.

Special tax.

SEC. 10. That immediately upon the issue of said bonds their issue shall be certified by the secretary of said Pasquotank highway commission to the board of county commissioners of said

county, and in order to pay the interest on said bonds as it may accrue, and create a sinking fund for the payment of the principal of said bonds at maturity, the said board of county commissioners shall levy a special tax, in addition to all other taxes of said county, of such amount as may be necessary to meet the interest and principal of all bonds issued under this act as such principal and interest become due: *Provided, however,* that such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose. That said taxes shall be collected as other county taxes.

Sec. 11. That the purchaser or purchasers of any part of said bonds shall not be required to see to the application of the proceeds of the sale thereof, and said bonds shall be valid and binding obligations of said county, for which the full faith and credit and taxing power of said county is committed and pledged notwithstanding any misapplication of said proceeds.

Bonds valid obligations of county.

Sec. 12. It is the purpose of the foregoing provisions of this act to provide funds in addition to and in excess of those provided under the provisions of chapter two hundred and seven, Public-Local Laws of one thousand nine hundred and nineteen, and chapter ninety-five, Public-Local Laws of the extra session of one thousand nine hundred and twenty.

Purpose foregoing provisions.

Sec. 13. That before the proceeds of the sale of the bonds herein provided for, or the moneys which may now be or which may hereafter come into the hands of said highway commission from the sale of bonds, either directly or indirectly, shall be used for any other purpose, the said Fasquotank highway commission shall provide for the laying out and construction of the following roads, on which shall be laid a hard surface pavement of not less than nine feet in width, to wit:

Road construction

(1) From Elizabeth City to a point at or near Fork Schoolhouse (approximately 2.25 miles).

(2) From Elizabeth City, following the general route of Body Road, to a point at or near the Simpson Ditch Road (approximately three miles).

(3) From Elizabeth City, departing therefrom by the general route of Peartree Road and via Blount Fork to what is known as Bob White Fork or Roper's Store Corner (approximately 7.3 miles).

Provided, that in lieu of the road provided for in this subsection the Fasquotank highway commission and the board of county commissioners of said county, sitting in joint session, in which each member of each board shall have one vote, and after notice of said meeting and the purpose of same published in some newspaper published in said county at least fifteen days prior to said meeting, may, by a majority vote of all the members of said

Proviso.

two boards present and voting, direct and order that the following roads be constructed:

(a) From Elizabeth City, departing therefrom by the Pear-tree Road and via Blount Fork to a point at or near the Kennedy or Lumsden Four Forks, and also

(b) From Weeksville to and across Simons Creek along the direct road leading from Weeksville to Nixonton.

(4) From the end of the present hard surface road near Weeksville to Salem Church (approximately 1.7 miles).

(5) From the intersection of the present hard surface Weeksville Road with the Eslip Road, following the general route of the Eslip Road to a point at or near Union Church (approximately 2.2 miles).

(6) From the end of the present hard surface road at or near the Newland Methodist Church, following the general route of the river road to Brother's Store Corner (approximately 2.1 miles), total twenty miles.

Proviso.

Provided, That said highway commission may, in its discretion, withhold the construction of any of said roads, until such time as rights-of-way therefor may be obtained without charge upon the public funds.

That in the event sufficient funds from the sale of bonds remain after the construction of the roads hereinbefore provided for the said Pasquotank highway commission shall lay out, and construct, in the manner herein provided, a hard surfaced road nine feet in width along Rum Road from the limits of Elizabeth City to the State highway leading from Elizabeth City to Hertford: *Provided*, same shall not be constructed unless and until the city of Elizabeth City shall have constructed or provided for and begun the construction of a pavement of Ehringhaus Street (Rum Road) from Road Street to the city limits, and unless and until funds shall have been provided from other sources and without charge upon any public treasury sufficient to add to the nine feet of road herein provided for an amount of pavement sufficient to make same at least sixteen feet in width.

Curves, etc.,
avoided.

SEC. 14. That in laying out and constructing roads, and in improving existing roads, the said highway commission shall, as far as practicable, avoid and eliminate sharp curves and circuitous routes, and adopt the most direct routes between termini, in such manner as to lessen the cost of construction and to serve the needs of the whole county. The direction to observe general routes contained in the next preceding section hereof shall be construed as for general guidance only and as qualified by the provisions of this section.

SEC. 15. The said Pasquotank highway commission shall, as far as practicable, observe and conform to the practice of the State Highway Commission with regard to the width and specifications of roads, the manner of laying out and constructing same, the marking of same with warning and direction signs, and the adoption and enforcement of rules, regulations, and ordinances regulating traffic thereon and the use thereof. The violation of any of such rules, regulations and ordinances shall constitute a misdemeanor, and every person convicted of a violation thereof shall be punished by a fine of not more than fifty dollars or imprisonment for not more than thirty days.

Width, etc.,
of roads.

SEC. 16. That the paving on all hard surface roads shall not be less than nine feet in width and of such material and specifications as may be approved by the State Highway Commission.

Width.

SEC. 17. That said Pasquotank highway commission is hereby authorized to contract, or make arrangements, with the State Highway Commission whereby said State Highway Commission may perform or direct, for the account of the county, the engineering, laying out, location, construction, supervision of construction, the letting to contract or any other duty incident to the laying out or construction of county highways, or the supervision, superintendence, inspection or the specifications thereof, or any or all of said duties.

Pasquotank
highway
commission to
make contracts
with State
Highway
Commission.

SEC. 18. That the terms of office of H. F. Sample and S. G. Scott, present members of said Pasquotank highway commission shall terminate on the first Monday in January, one thousand nine hundred and twenty-six (1926), the term of office of J. N. Williams on the first Monday in January, one thousand nine hundred and twenty-eight (1928), and the term of office of the remaining members of said commission on the first Monday in March, one thousand nine hundred and twenty-five (1925). That as soon as practicable after the ratification of this act, and in no event later than the first Monday in April, one thousand nine hundred and twenty-five (1925), the board of county commissioners of Pasquotank County shall elect, from the freeholders of Pasquotank County who have been residents thereof for not less than two years, one member of said commission to hold office from his election until the first Monday in January, one thousand nine hundred and twenty-six (1926), one to hold office from his election until the first Monday in January, one thousand nine hundred and twenty-eight (1928), and two to hold office from the first Monday in March, one thousand nine hundred and twenty-five (1925), until the first Monday in March, one thousand nine hundred and thirty (1930). That all commissioners shall hold office until their successors are elected and qualified. That the said board of county commissioners of Pasquotank County shall.

Termination
offices.

Elections.

on the first Monday in December in the year one thousand nine hundred and twenty-five (1925), and annually thereafter, elect highway commissioners to succeed those whose terms expire on the first Monday in January next following, to hold office for a term of six years. That in the event a vacancy shall at any time occur in said board of highway commissioners by death, removal from the county, resignation or otherwise, leaving an unexpired term, the said vacancy shall be filled for such unexpired term by said board of county commissioners at their next regular meeting, or as soon thereafter as practicable. That all highway commissioners shall be freeholders of Pasquotank County and shall have been residents of said county at least two years before beginning their term of office.

Unconstitu-
tionality.

SEC. 19. If any or all of the provisions of any section or sections of this act shall be adjudged to be unconstitutional, such judgment shall not affect, impair or invalidate the remainder of this act, and such remainder shall stand, and the Pasquotank highway commission shall have power to issue the bonds authorized by this act without regard to the provisions adjudged to be invalid.

Additional
powers.

SEC. 20. The powers conferred by this act, in respect to the issuance of bonds, are conferred in addition to and not in substitution for the existing powers of Pasquotank County, or said highway commission, and are not subject to any limitation or restriction imposed by any other act, except as herein otherwise expressly provided.

Conflicting
laws repealed.

SEC. 21. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 292

AN ACT TO AUTHORIZE CARTERET COUNTY TO ISSUE BONDS FOR THE PURPOSE OF ROAD AND BRIDGE CONSTRUCTION AND IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing a more permanent system of county roads and bridges, or for the purpose of repairing and improving the roads and bridges of Carteret County, or for the purpose of aiding the State Highway Commission in the construction of that part of the State highway system

Bond issue
authorized.

which now or may hereafter be adopted in Carteret County, or for any one or more of the said purposes, the board of commissioners of Carteret County are hereby authorized and empowered to issue, during the year one thousand nine hundred and twenty-five and until November first, one thousand nine hundred and twenty-six, negotiable coupon bonds, in the sum of not exceeding seven hundred thousand dollars (\$700,000), the said bonds to be in addition to the other bonds heretofore issued and outstanding by and against said Carteret County. The board of commissioners shall have authority to issue the bonds authorized by this section without submitting the same to a vote of the qualified electors of the said county, if, in the discretion of the board, the sentiment of the electors of the said county is sufficient to justify such action on the part of the board without such a vote on the question. The said bonds may be issued all at one time or in suitable amounts from time to time, as the funds may be deemed necessary for the purposes expressed.

Issuance.

SEC. 2. That the bonds issued pursuant to this act shall be signed by the chairman of the board of county commissioners and countersigned by the clerk and shall bear the corporate seal of said county, and shall have affixed the requisite number of interest coupons, and it shall be sufficient for said coupons to bear the printed, lithographed, or engraved signature of the chairman of the said board. Said coupons shall draw interest at not exceeding six per cent (6%) per annum, payable semi-annually and at such place or places as the said board of commissioners may designate. The said bonds shall be in such form and tenor and in such denominations as the said board of commissioners may determine. All bonds issued pursuant to this act shall mature in annual installments, the amount of such installments and the time of first maturity to be determined by the said board of commissioners: *Provided, however*, that the bonds issued pursuant to this act shall mature within forty (40) years after the date of their issue, and shall be sold at not less than par in the manner provided by the Municipal Finance Act nineteen hundred twenty-one (1921), sale of bonds of cities and towns.

Rate of interest; payment.

Maturity.

SEC. 3. That if the board of commissioners of the said county of Carteret shall determine by resolution duly adopted to submit to the qualified voters of the said county the question of issue or no issue of bonds for the purposes heretofore set out, they may call an election upon the question, and they are hereby authorized and empowered to call such election for such purposes. Should such election be determined upon by the said board, notice thereof shall be given by publishing the same in some

Election.

Notice.

Contents of
notice.

newspaper published in Carteret County once a week for four consecutive weeks, and the first publication of said notice shall be at least thirty days prior to the date of said election. The said notice shall set forth the general nature and approximate extent of the said improvement or improvements, the approximate cost of same and the estimated amount of bonds necessary to issue. The said county commissioners shall appoint the registrars and judges for said election and shall designate the polling places, and may in their discretion order a new registration for said election. The said election shall be held under the laws relating to general elections for members of the General Assembly, in so far as it is practicable to do so, and except as the same is herein modified. The registrars and judges shall, not later than Thursday following the date of said election, file with the board of county commissioners in Carteret County the written returns of said election, which said returns shall be canvassed by the said board of county commissioners, and they shall declare the result of said election, and shall cause the same to be spread upon their minutes. At the said election all electors desiring to vote for the issue of said bonds shall vote a ballot upon which shall be written or printed the words "For bonds," and all electors opposed to the issue of said bonds shall vote a ballot upon which shall be written or printed the words "Against bonds." In the event a majority of the votes cast at said election shall be in favor of said bonds, the board of county commissioners are thereupon fully authorized and empowered to issue and sell the said bonds in the amount not to exceed the amount stated in said notice of election; and *provided, however*, that the proceeds derived from the sale of said bonds shall be used only for the purpose or purposes specified in said notice of election.

Returns.

Special tax.

SEC. 4. That the board of county commissioners of Carteret County shall annually at the time other taxes are levied and collected, levy a special tax of sufficient rate and amount to pay the interest of all bonds issued pursuant to this act, and to create a sinking fund to pay principal at maturity; and they shall also levy and collect at said times a special tax of sufficient rate and amount to pay the principal and interest of all other bonds issued and outstanding by and against the said Carteret County. The said taxes authorized by this section are hereby specifically appropriated for the purposes named herein, and it shall be unlawful to use said funds for any other purpose, and the said funds shall be kept separate and apart from all other funds of said Carteret County.

SEC. 5. That this act shall not be affected by any limit, condition or restriction contained in any other act of the General Assembly either general or special. Not affected by any limit, etc.

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 293

AN ACT TO CREATE A ROAD COMMISSION FOR THE COUNTY OF HARNETT.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created and established for the county of Harnett a road commission to be known and designated as "Road Commission of Harnett County," hereinafter referred to in this act as the road commission, which commission is hereby constituted a body corporate with all the rights, liabilities, powers and duties provided for county road commissions under the provisions of section thirty-seven hundred and forty-five, Consolidated Statutes, one thousand nine hundred and nineteen, in so far as the same are consistent with the further provisions of this act. Road commission created.

SEC. 2. For the purpose of administration the county of Harnett is hereby divided into five road districts to be composed of the following territory, to wit: Division of county.

First District—Averasboro, Duke and Stewart's Creek townships;

Second District—Grove, Neill's Creek and Black River townships;

Third District—Hector's Creek and Buckhorn townships;

Fourth District—Lillington and Upper Little River townships;

Fifth District—Anderson's Creek, Barbecue and Johnsonville townships.

SEC. 3. The said road commission shall consist of five members, one from each of said districts. The members of the several township road commissions embraced in the territory of each of the five districts defined in section two shall meet at a time and place to be designated by the chairman of the commission of the township first named in each district, as heretofore defined, not later than the second Monday in May, one thousand nine hundred and twenty-five, and proceed to ballot to nominate Members; meetings.

from among the qualified voters of said district one member of said county road commission; and certify the name of the person so nominated to the chairman of the county commissioners. The county commissioners shall consider the nominations so made at their regular meeting on the first Monday in June, one thousand nine hundred and twenty-five, and if they approve the persons so nominated and considered the same shall become the members of said county road commission. If the board of county commissioners shall fail to approve the nomination by the township commissioners in any district, the county commissioners shall call a joint meeting of said board with the said township commissioners of such district and said joint meeting shall proceed by ballot to choose a road commission for said district. The road commissioners thus chosen shall serve until the first Monday in June, one thousand nine hundred and twenty-seven, or until their successors are elected and qualified. That at the regular meeting of the board of commissioners or adjourned meeting thereof, or a specially called meeting during the month of May, one thousand nine hundred and twenty-seven, and biennially thereafter, the board of commissioners of Harnett County shall select from among the qualified voters of each of said districts a road commissioner, whose term of office shall begin on the first Monday in January thereafter, and who shall serve for a period of two years or until their successors are elected and qualified.

Term of office.

Election chairman.

SEC. 4. That the members chosen for said road commission shall meet in the courthouse at Lillington, on the first Monday in July, one thousand nine hundred and twenty-five, and organize by designating one of their number as chairman and one as secretary, and adopting a corporate seal.

County road supervisor.

SEC. 5. That the said road commission shall select a county road supervisor, fix his compensation, purchase such equipment as in their judgment may be necessary, authorize the employment of labor, purchase all materials required and exercise supervision and control over all the work done under the provisions of this act.

In case of vacancy.

SEC. 6. In case of any vacancy on the road commission caused by death, resignation or otherwise, such vacancy shall be filled by the board of county commissioners for the unexpired term.

Control of public roads.

SEC. 7. That immediately upon its organization the said road commission shall assume control of all the public roads of the county of Harnett other than State highways and shall provide as rapidly as possible a regular system for the maintenance and improvement of the said roads.

Meeting; compensation.

SEC. 8. The said road commission shall meet at the courthouse at Lillington at least once in each month on some regular

day to be designated and determined by the said road commission, and at such other times and places as the said commission may deem necessary, and each member of said commission shall receive for his compensation a per diem of five dollars for each day actually engaged in the performance of his duties as a member of said commission, but the total amount paid any commissioner in any one year shall not exceed three hundred dollars (\$300).

SEC. 9. Said road commission is authorized to establish camps for the working of prisoners upon the public roads, and for that purpose section thirty-seven hundred and forty-seven, Consolidated Statutes of one thousand nine hundred and nineteen, is hereby adopted and made a part of this act, except that the expenses of such camp shall be paid out of the road funds created under the provisions of this act.

Camps to
be established.

SEC. 10. That the board of commissioners of Harnett County shall levy annually in each township in which bonds for road construction has been issued, to be collected as other taxes are collected, a tax sufficient to take care of the bonds issued by such township, according to the provisions of the statute, or statutes under which said bonds were issued and according to the terms of said bonds and of the resolutions relating to their issue. Said tax, when collected, shall be paid, by the sheriff or other officer collecting the same to the treasurer of the township road commission for the township in which such taxes are levied and collected, and shall be held as a special fund for the payment of the principal and interest of the bonds issued by the township from which said tax is collected, according to the conditions of said bonds and the statutes and resolutions under which the same were issued, and the said funds shall not be paid out for any other purposes: *Provided*, that, upon the request of the road commissioners of any township or upon the voluntary discontinuance of the organizations of any township road commissioners the county auditor and the county depository, or person or bank, acting in lieu of the county treasurer, shall thereupon act as the fiscal agent of any such township in receiving, holding and disbursing any such funds in behalf of said township.

Special tax.

SEC. 11. That upon the organization of said road commission of Harnett County all of the road funds, other than the proceeds of bonds and moneys collected to pay interest on said bonds, and to provide sinking fund therefor then in the hands of the several township road commissions, shall be paid to the county auditor to be deposited by him to the credit of the county road fund; and the several road commissions shall turn over to the said county road commission all of the road equipment, machinery, supplies and material of every kind now owned by them, to

Payment
to auditor.

be disposed of or used by the said county road commission under such terms and conditions as the said county road commission may determine: *Provided*, that each district as hereinbefore defined shall receive credit for a fair value of said property in the apportionment hereinafter provided for.

Purpose of
this act.

SEC. 12. That it is the intention and purpose of this act that the said road commission shall succeed to all the rights and duties and become the custodian of all the funds of the several township commissions in so far as the same relate to the maintenance and upkeep of the roads; and said road commission shall be vested with all the powers that are conferred by the general laws of the State upon county road or highway commissions. But it is expressly provided that the township road commission as now constituted shall continue to exercise control over any funds in their hands, or which may hereafter come into their hands, by reason of the sale of bonds for the building of roads in their respective townships; and the provisions of chapter four hundred and twenty-seven of the Public-Local Laws of one thousand nine hundred and thirteen, or any other statutes, in so far as they relate to the issuance of township bonds and the building of roads from the proceeds thereof, are in no wise abridged by the provisions of this act but it is intended that when such roads have been built from the proceeds of the township bond issue that their control shall pass into the hands of the county road commission to be maintained thereby. Contracts between such township road commissions and the county road commission, with respect to building by county commission of roads from proceeds of township bond issues, are hereby expressly authorized.

Prior
bond issues.

It is expressly provided that the several road commissions now existing in the county shall continue with unabridged powers for the purpose of execution, sale and delivery of any bonds which have been authorized and which have been ratified by an election heretofore held in any such township, and for the purpose of completing any contract or contracts heretofore entered into by any such township road commission within the scope of its authority.

Purchase
of bonds.

SEC. 13. That the board of commissioners of Harnett County in their discretion are authorized to purchase or assume the payment of any or all of the road bonds of the several townships heretofore issued and outstanding, and in order to provide a fund for this purpose they are hereby authorized to issue bonds in the name of the county of Harnett to mature serially through a period not exceeding twenty years upon such terms as they may determine and to levy a sufficient tax upon the property of the county to provide for the payment of the interest and

Special tax.

principal of said bonds as the same may mature; and the proceeds of said bonds are hereby declared and found to have been expended for the necessary improvement of the public roads of Harnett County.

SEC. 14. That the said road commission created by this act shall be the duly constituted agent for the county of Harnett for dealing with the State Highway Commission or other agencies created by the State or National Government with respect to the public roads of Harnett County, and are hereby authorized to do any or all things necessary to procure for the county of Harnett any road improvement provided for by either of said agencies.

SEC. 15. The said road commission shall on the first Monday of July of each year, or as soon thereafter as possible, prepare a budget covering the estimated cost of carrying out the provisions of this act for the ensuing twelve months, and submit the same to the board of commissioners of Harnett County, and the said board of commissioners are directed to provide sufficient road fund to pay the amount provided in said budget by levying a tax upon the entire property of the county, said tax, however, not to exceed twenty cents on the one hundred dollars valuation. Said tax shall be collected as other taxes and deposited by the county auditor in the county depository to the credit of the county road fund, said fund shall be drawn out upon vouchers signed by the chairman and secretary of said road commission and approved by the county auditor. In the preparation of the said budget and in the expenditure of the funds provided for the said road commission shall be guided by the following rules for distribution: One-third of said fund shall be apportioned to the districts on the basis of the tax valuation of said districts; one-third on the basis of the public road mileage of said district other than the State highway mileage; and the other one-third shall be used by the said commission for the payment of all overhead expenses and to equalize as near as may be the road facilities of the entire county: *Provided*, if the taxes for the current year are not collected when the salaries and other necessary operating expenses come due as provided for in said budget, and the money is not available for meeting such necessary expenses, the county road commission is authorized to borrow against the amount approved in the budget, and to issue notes maturing not later than December first of the next succeeding fiscal year for the purpose of obtaining money to provide for such necessary expenses, and the notes so issued shall be a valid obligation of the county of Harnett.

Budget of
commission.

Special tax.

Expenditure
road funds.

SEC. 16. That the said road commission shall have supervision of the expenditure of all road funds and bridge funds which may be raised by a county-wide tax or appropriated by the board of county commissioners from the general county funds or that shall come into the county from any State or national fund or other source.

Additional
bonds, etc.

SEC. 17. That in addition to the maintenance tax provided for in section fifteen above the commissioners of the county may issue bonds or other evidences of indebtedness and levy taxes to provide for the payment of interest and principal thereon as now provided by law for the construction of any roads or bridges in said county which in their judgment are found to be public necessities, provided the construction of said roads or bridges, or both, are recommended by the said county road commission; but all funds derived from the sale of any bonds or other evidences of indebtedness for such purpose shall be disbursed under the supervision of the said road commission: *Provided*, that not more than one hundred thousand dollars of bonds or other evidences of indebtedness shall be issued under the provisions of this section, unless and until the said board of commissioners have provided for the assumption by the county of the outstanding bonded indebtedness of the several township road commissions under the provisions of section thirteen of this act and any moneys derived from the proceeds of any bond issue in excess of the sum of one hundred thousand dollars shall be apportioned and expended among the several districts in accordance with the plan of apportionment outlined in section fifteen above.

Conflicting
laws repealed.

SEC. 18. That all laws and clauses of laws in conflict with the provisions of this act in so far as they conflict therewith, and particularly sections one to nineteen inclusive of chapter four hundred and forty-one of the Public-Local Laws of North Carolina, one thousand nine hundred and twenty-one, be and they are hereby repealed.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 294

AN ACT RELATING TO SALARIES OF COUNTY COMMISSIONERS AND TAX COLLECTOR IN THE COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter five hundred and sixty-three, Public-Local Laws, session one thousand nine hundred and twenty-one, be and the said section is hereby amended by striking out the words "three thousand," in line three, and inserting in lieu thereof the words "three thousand and six hundred"; that said section be further amended by striking out the words "two thousand seven hundred and fifty," in line six, and inserting in lieu thereof the words "three thousand and three hundred"; and that said section be further amended by striking out the words "two thousand seven hundred and fifty," in line nine, and inserting in lieu thereof the words "three thousand and three hundred."

Amendment
increasing
salaries of
commissioners.

SEC. 2. That section ten of said chapter five hundred and sixty-three, Public-Local Laws, session one thousand nine hundred and twenty-one, be and the same is hereby amended by inserting the words "tax collector" after the word "court" and before the word "register," in line eight of the said section.

SEC. 3. That the tax collector of the county of Buncombe shall receive an annual salary of thirty-six hundred dollars (\$3,600) a year, payable monthly in equal monthly payments by the county of Buncombe. Said tax collector is authorized to employ one deputy to be known as first deputy at a salary of one hundred seventy-five dollars (\$175) per month to be paid by said county, and he is further empowered to appoint one additional deputy to be known as second deputy at a salary of one hundred and fifty dollars (\$150) per month to be paid by said county of Buncombe.

Compensation
tax collector.

SEC. 4. That chapter seventy-seven of the Public-Local Laws, session nineteen hundred and twenty-three (1923), and all laws amendatory thereto not in conflict herewith are made applicable to the tax collector of the county of Buncombe and every employee of said county employed in or in connection with said office and said tax collector and every employee in or in connection with said office receiving county or other public funds shall make a daily itemized report in triplicate covering all such receipts received by such person during the preceding day and deliver said reports, together with the money, to the proper official or officials as provided for county officers and employees

Chapter, etc.,
made applicable
to tax
collector.

and otherwise comply with all of the provisions of said chapter relating to county officers and employees.

Duty of
tax collector.

SEC. 5. That it shall be the duty of the tax collector of the county of Buncombe to do and perform each and every act authorized or permitted by law at this date or which may hereafter be authorized or permitted by law, receiving and accounting for and paying over to the treasurer daily as required by law all money coming into his hands by virtue of his office from any and all sources whatsoever, and in event the said tax collector shall become or be entitled by virtue of his office to receive any fee or compensation in the way of commissions or otherwise for the collection of any tax or for the performance of any duty connected with his office or imposed upon him as such tax collector, he shall collect and receipt for such moneys and shall account for and pay over the same to the treasurer of the county of Buncombe.

Attendance
in office.

SEC. 6. That the tax collector of the county of Buncombe shall be in daily attendance in his office, as now required of all county officers in the county of Buncombe, for the receipt and collection of taxes; said tax collector shall, after giving not less than six days notice by advertisement in a newspaper published in the city of Asheville, stating time and place, attend or cause one of his deputies to attend at some convenient place in each of the townships or tax wards outside of Asheville Township for the convenience and accommodation of the taxpayers in said outside wards in the payment and collection of taxes in their respective wards. That one day shall be so spent in each of said wards during the autumn or fall of the year and one day during the spring and summer of each year in said outside wards to receive and receipt for said taxes, after said publication has been run in said newspaper as required herein and in full compliance with the terms of said notice.

Payment of
taxes.

SEC. 7. That it shall be lawful for any taxpayer whose taxes have not become delinquent and subject to advertisement and sale to pay the whole of his said taxes in equal quarterly payments and it shall be the duty of the tax collector to receive and receipt for the same: *Provided*, it shall not be necessary for said tax collector to give said taxpayer an itemized statement of the taxes upon the receipt but said receipt may state that said payment is one-fourth of the taxes due by such taxpayer for the year the same are due: *Provided further*, that when a taxpayer elects to pay in quarterly payments or after having made a quarterly payment, no discount shall be allowed but the whole shall be paid without deduction or discount. That it shall be the duty of the board of county commissioners of Buncombe County and said board shall at the expense of the county provide a suitable office

for said tax collector and furnish said office with necessary office supplies and equipment, pay for all the advertising which shall be necessary and do everything necessary and incident in order to carry on the business of properly collecting the taxes in the county of Buncombe; that it shall be the duty of the said board of commissioners and said board of county commissioners is hereby authorized and directed to make such other and further rules and regulations as they in their sound discretion deem necessary and proper for the conduct of the office of tax collector and the collection of taxes in the county of Buncombe.

SEC. 8. That section one hereof shall relate and take effect as of the first Monday in December, one thousand nine hundred and twenty-four. Date of effect.

SEC. 9. That sections two, three, four, five and six hereof shall relate to and take effect as of the first day of July, one thousand nine hundred and twenty-five.

SEC. 10. That this act shall apply to the county of Buncombe only.

SEC. 11. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 295

AN ACT TO AUTHORIZE AND EMPOWER THE COUNTY COMMISSIONERS OF STANLY COUNTY TO ISSUE BONDS FOR THE PURPOSE OF BUILDING A NEW COURTHOUSE AND JAIL FOR STANLY COUNTY, AFTER A REFERENDUM OF SAID MATTER TO THE REGISTERED VOTERS OF SAID COUNTY, AND FOR THE PURPOSE OF AUTHORIZING AND EMPOWERING SAID COUNTY COMMISSIONERS TO REPAIR AND REMODEL THE PRESENT COURTHOUSE AND JAIL OF SAID COUNTY AND ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Stanly County may in its discretion call an election in said county for the purpose of submitting to the registered voters of said county the matter of building a new courthouse and jail for said county and issuing bonds therefor. If said election is called, thirty days notice thereof shall be given in some newspaper published in

Building of
new courthouse
and jail
submitted
to voters.

said county, at the courthouse door in said county and some public place in each township in said county, which notice shall contain briefly a description of the kind of courthouse and jail proposed, the estimated cost thereof, the location thereof, and the cost of the property upon which same is to be located. Said election, if called, to be held under the law of Stanly County, with regard to the election of county officers, as nearly as practicable, and the board of elections of said county shall supply a sufficient number of tickets to each voting precinct in said county on which shall be printed the words "For a new courthouse and jail" and "Against a new courthouse and jail." Those favoring a ratification of the matters and things set out in the notice herein required to be given and issuing bonds therefor shall vote the ticket "For a new courthouse and jail" and those against the ratification of the matters and things set out in the notice herein required to be given and against the issuing of bonds therefor shall vote the ticket "Against a new courthouse and jail." The election officers shall canvass the vote and certify the result as now provided for such in regard to the election of county officers of Stanly County.

If majority
for new
building.

SEC. 2. If at said election a majority of the registered votes cast shall be "For a new courthouse and jail," then in that event only the county commissioners of Stanly County are authorized and empowered to proceed with the erection of a new courthouse and jail, the purchasing of additional land or a new site therefor, and in so doing shall follow as nearly as practicable the detail set out in the notice herein required to be given, and the said county commissioners are authorized and empowered to issue bonds of said county not to exceed the amount of two hundred and fifty thousand dollars to bear interest not to exceed six per cent per annum and said bonds shall be known as "Court-house and Jail Bonds of Stanly County." Said bonds shall be in such denominations, issued in such manner and for such terms as may seem best to a majority of said board.

Bond issue
authorized.

Issuance.

SEC. 3. If said bonds are issued as herein provided, the county commissioners of Stanly County shall levy and collect annually, at the same time and in the same manner as the other county taxes are levied and collected, a special tax on property and polls, observing the constitutional equation, sufficient to pay the interest on said bonds and to provide for their retirement at maturity, and the proceeds of the bonds herein provided and of the special tax herein provided shall be used for no other purpose except that herein authorized.

Special tax.

Memorial.

SEC. 4. If said courthouse is erected as herein provided it shall be known as a memorial building to the soldiers of Stanly County. The county commissioners of Stanly County shall cause

to be prepared a list of all the men of Stanly County who served in the war between the states and who served in the recent world war, and shall cause the names of all the men on said list to be engraved on marble tablets, and shall cause those tablets to be placed in the courtroom or hallway or other suitable place in said courthouse.

SEC. 5. For the purpose of carrying out the provisions of this act the county commissioners of Stanly County are hereby vested with the power of eminent domain, which said power shall be exercised in the manner now prescribed for the condemning of lands by railroad companies; said county commissioners are authorized and empowered to acquire by purchase or by condemnation if necessary lands upon which dwelling houses are situated and property of any other kind or description, and shall not be subject to any of the restrictions imposed upon railroads or other corporations contained in the Consolidated Statutes of North Carolina. No notice, except that herein required, of its intention to change the site of the present courthouse or jail shall be necessary and it shall not be necessary to comply with subsection ten of section one thousand two hundred and ninety-seven of the Consolidated Statutes of North Carolina.

Eminent domain.

SEC. 6. In the event the county commissioners of Stanly County see proper not to call the election provided for in this act, or in the event such election is called and held and a majority of the registered vote cast not be "For a new courthouse and jail," then in either event the county commissioners of Stanly County are hereby authorized and empowered to repair, enlarge, remodel, refit, improve, alter or change the present courthouse and jail in said county, either or both, in such way and manner as may be determined by a majority of said board at any meeting held on the first Monday of any month after the ratification of this act, to acquire by purchase or condemnation and to hold additional lands for courthouse and jail purposes and to this end may exercise the power of eminent domain as specified in section five of this act.

Repair of
old courthouse.

SEC. 7. That for the purposes specified in section six of this act the board of county commissioners of Stanly County is hereby authorized and empowered, by a majority vote of the entire board at any meeting held on the first Monday of any month, to issue bonds to an amount not to exceed the sum of fifty thousand dollars. The said bonds shall bear interest at a rate not in excess of six per cent per annum, and shall be issued in such manner, in such denominations and for such terms as may seem best to a majority of the entire board of county commissioners of Stanly County. The proceeds of the aforesaid bonds shall be kept separate and apart from the other funds of Stanly

Bond issue
authorized.

County and shall be used only for the purposes specified in section six of this act, and are hereby declared to be a necessary public expense of Stanly County.

Special tax.

SEC. 8. If the bonds mentioned in section seven hereof are issued then the county commissioners of Stanly County shall levy and collect annually, at the same time and in the same manner as the other county taxes are levied and collected, a special tax on property and polls, observing the constitutional equation, sufficient to pay the interest on said bonds and to provide for their retirement at maturity, and the proceeds of said special tax shall be used for no other purpose whatsoever.

Sale of present building and lot.

SEC. 9. If a new courthouse and jail are erected and a site purchased therefor under the provisions of this act relating thereto, the board of county commissioners of Stanly County, by a majority vote of the entire board at any meeting held on the first Monday of any month, may, if deemed prudent, sell and convey the present courthouse and lot, the present jail and lot, or any part of either, and invest the proceeds in the new courthouse and jail.

Unconstitutionality.

SEC. 10. If any portion of this act shall be held unconstitutional it shall not affect the remainder of said act; the authority given herein to call an election shall cease if not exercised within twelve months from the ratification of this act.

Conflicting laws repealed.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 296

AN ACT TO REPEAL CHAPTER 334, PUBLIC-LOCAL LAWS OF 1915, ENTITLED AN ACT TO PROVIDE ROAD COMMISSIONERS AND FOR ROAD IMPROVEMENTS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter three hundred and thirty-four of the Public-Local Laws of North Carolina of one thousand nine hundred and fifteen, together with all subsequent amendments and supplements thereto, be and the same is hereby repealed.

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 force and effect from and after March thirty-first, one thousand nine hundred and twenty-five.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 297

AN ACT TO FIX COUNTY ATTORNEY'S FEES FOR HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Hyde County shall not pay the county attorney an amount in excess of three hundred dollars per year for services rendered as legal adviser. Compensation
county attorney.

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 298

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF FORSYTH COUNTY TO EMPLOY A TAX SUPERVISOR AND A COUNTY BOOKKEEPER, AND TO PRESCRIBE THE DUTIES OF EACH.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and two of the Public-Local Laws, session one thousand nine hundred and twenty-three, be and the same is hereby repealed. Chapter
repealed.

SEC. 2. That the county commissioners of Forsyth County are hereby authorized to employ a tax supervisor for Forsyth County whose salary shall be twenty-four hundred dollars (\$2,400) per annum, payable in monthly installments of two hundred dollars (\$200) each. Tax
supervisor.

SEC. 3. That it shall be the duty of the tax supervisor to make out one copy of the tax list of each township as a permanent copy, and to deliver the original copy to the sheriff of said county, and to perform all duties now or hereafter required by law in regard to making out the tax lists of Forsyth County. Duties of tax
supervisor.

He shall by investigation locate all property and polls subject to taxation, and see that such property and polls are placed on

the tax list. He shall keep a record of all real estate transfers with prices paid for same; and shall instruct and assist tax listers and assessors under the supervision and direction of the board of county commissioners.

Clerical assistance.

SEC. 4. That it shall be the duty of the board of county commissioners of Forsyth County to employ and pay for such clerical assistance as the tax supervisor may, in their opinion require, in order to properly perform the duties of his office.

County bookkeeper.

SEC. 5. The board of county commissioners of Forsyth County are hereby authorized to employ a county bookkeeper, said county bookkeeper to be at all times subject to the direction of the board of county commissioners. The board of county commissioners are hereby authorized and empowered to pay the salary of said bookkeeper out of the general fund of the county.

Duties of county bookkeeper.

SEC. 6. That it shall be the duty of the county bookkeeper to open a set of books, which shall be kept in an accurate and intelligent manner with a separate account for each county officer, the highway commission, board of education, the county home, county reformatory, county jail, and all other departments of the county by or on account of which funds are received and disbursed.

Claims against county to be filed.

That all persons holding claims against the county, the highway commission, the board of education, or any other institution or department of the county, shall file their claims with the county bookkeeper at least ten days before payment shall be made, and payments shall not be made until such written claims have been marked "Allowed" by the board of county commissioners: *Provided, however,* the board of county commissioners may in their discretion delegate to the county bookkeeper the authority to examine and allow claims, and when claims have been allowed by him, acting under such authority, such claims may be paid. The county bookkeeper, however, shall not approve any claim unless it be submitted in writing or sworn to by the party to whom it is payable. The county bookkeeper which for the purpose of verifying claims shall be authorized to administer oaths.

SEC. 7. That the board of county commissioners may employ and pay for such clerical assistance as the county bookkeeper may require in the proper performance of the duties required of him by this act and as may be assigned to him by the board of county commissioners.

Section repealed.

SEC. 8. That section five, chapter twelve, Public-Local Laws, session one thousand nine hundred and thirteen, is hereby repealed and the county bookkeeper is authorized and directed to act as clerk, secretary and treasurer to the Forsyth County highway commission, and to receive for services in the discharge of

the duties of clerk, secretary and treasurer to the Forsyth County highway commission the sum of one thousand dollars (\$1,000) per annum. Compensation.

SEC. 9. That it shall be the duty of the board of county commission to procure an audit of the books and accounts of the several offices, institutions and departments of the county as often as once a year, and oftener if in their opinion it is advisable, and to pay the cost of procuring such audits out of funds of the county. Duty of county commission to audit books.

SEC. 10. That the county commissioners may provide offices or office space for the tax supervisor and the county bookkeeper, and provide such furniture, stationery, books and other material as may be necessary in the conduct of the duties prescribed for said officers, and the board of county commissioners may in their discretion require a bond of either or both of said officers in such amount as they may think advisable, payable to the county of Forsyth, and conditioned upon the diligent and faithful performance of the duties of the respective offices, and for the faithful accounting of such funds as may come into their hands respectively. The premium or premiums thereon shall be paid by Forsyth County. Office space for tax supervisor and county bookkeeper.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 299

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF ROADS AND BRIDGES IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Davidson County shall be charged with the responsibility for the construction, laying out and maintenance of all highways, roads and bridges in Davidson County. County commissioners made responsible.

SEC. 2. That it shall be the duty of the said board to take charge of the working, maintaining, altering and constructing of any and all roads and bridges in Davidson County now maintained by the county as public roads and it is hereby vested with all powers, rights and authority now vested in the board of road commissioners of Davidson County for the general super- Duties of board.

vision of roads of said county and for the construction and repairing thereof.

Legal liabilities.

SEC. 3. That it shall be the duty of the said board of county commissioners of Davidson County to assume the legal liabilities and obligations that may be outstanding against the board of road commissioners of Davidson County; that the said board of road commissioners of Davidson County shall pay to the board of county commissioners of said county all money and shall deliver to it all accounts, property and other things of value that it may possess on the thirty-first day of March, one thousand nine hundred and twenty-five.

To provide for bonds, etc.

SEC. 4. That the board of county commissioners and their successors in office shall be empowered to provide for any bonds or other legal liabilities of the board of road commissioners of Davidson County in the same manner and under the same provision made for such obligations as may be transferred to the said board of county commissioners by the said board of road commissioners of Davidson County under chapter three hundred and thirty-four of the Public-Local Laws of North Carolina for one thousand nine hundred and fifteen entitled "An act to provide road commissioners and for road improvements in Davidson County," and the subsequent amendments and supplements thereto.

Appointment of highway superintendent.

SEC. 5. That for the purpose of constructing and repairing of the roads in said county the board of road commissioners may employ and appoint a highway superintendent and such subordinates thereto as may be necessary to carry out the purpose of this act and shall pay them such salaries as will compensate them for work done, all of which shall be fixed by the said board of county commissioners, and the said board of county commissioners may delegate to the highway superintendent appointed by them and to other employees as may be appointed by them, or to one or more persons of their membership, such power as the board may think necessary.

Deposit with county treasurer.

SEC. 6. That all sums of money paid to the board of county commissioners by the board of road commissioners on and after the thirty-first day of March, one thousand nine hundred and twenty-five, and all taxes and all other funds applicable to the road funds of Davidson County, that may be collected in the future, shall be deposited with the county treasurer, which fund shall be handled in the same manner and form provided for other county funds: *Provided*, that all funds collected for road purposes shall be kept separate and apart from other county funds.

Use of funds.

SEC. 7. The said board of county commissioners shall use the funds arising from taxation and from every other source to construct, improve and maintain the public highways of said county

and shall purchase and hold, or contract for the use of such tools, machinery and stock and employ such contractors, overseers, foremen, and patrolmen as laborers as they may deem necessary for the said purposes.

SEC. 8. That persons convicted in any of the courts of the county, Superior, justice's, recorder's or mayor's courts, and sentenced to the public roads, shall be assigned by the board of county commissioners into the custody and control of the highway superintendent hereinbefore provided for; or they may hire the prisoners above referred to, to some other county selected by the said board of county commissioners. It shall be left entirely to the discretion of the board of county commissioners of Davidson County to determine whether or not such convicts are worked on the roads of Davidson County or whether they be hired out to some other county. Should the board of county commissioners discontinue the working of these convicts and hire them to some other county, then all the property used in maintaining the convict system shall be sold and the funds arising therefrom shall be applied to the road funds: *Provided*, the highway superintendent may except such property as may be used by him. Said convicts while in the custody and control of the said highway superintendent shall be employed in the construction or repairing of highways and bridges under the provisions of this act and the expense of maintaining said convicts while so employed shall be paid out of the road fund.

Convicted persons assigned to roads.

SEC. 9. The highways to be made, opened, built, altered or improved by the board of county commissioners under the provisions of this act shall from time to time be designated by said board, or the highway superintendent if the said board shall delegate such power to him. In designating such highways said board of county commissioners or their superintendent shall take into consideration the needs of the entire county and every part thereof, opening or improving those highways which in its opinion will be of benefit to the greatest possible number of people in the county.

Designation of highways to be improved by board.

SEC. 10. The highways of said county constructed or improved under this act shall have a right-of-way of not less than forty feet except where the board of county commissioners deem it impracticable to acquire such width, and in such cases the width shall be at least twenty-five feet, of which not less than twenty feet shall be free from logs, stumps, rocks and drains, except where ledges of rock are encountered, or where the width is considered impracticable by the highway superintendent. The alignment of the road shall be as straight as practicable, and with no

Right-of-way.

grade over six per cent, except as such grades considered impracticable by the highway superintendent or board.

Statement of
commissioners
to be published.

SEC. 11. The county commissioners shall on the first Monday in April, July, October and January, of each and every year, post at the courthouse door of said county an itemized statement showing in full an account of receipts and disbursements of highway funds for the previous quarter, which report shall also be published one time immediately upon its issue in some newspaper in the county. The county commissioners may require, as often as deemed best, reports from officers and employees concerning their progress and their duties and for an itemized statement of disbursements of any funds that may be advanced by the county commissioners to such officers or employees.

Right of
eminent domain.

SEC. 12. In opening new highways, widening and straightening old roads, and repairing the same, the said board of county commissioners or its agents are hereby authorized to enter upon any land and locate and build such highways. If the board of county commissioners or its authorized agents and the owner or owners of said land cannot agree as to the damages, if any, the board of county commissioners shall, not later than ten days after said highway is completed, cause to be summoned three disinterested freeholders of said county who shall go upon the land and assess the damages and benefits, from which the landowner may appeal to the Superior Court and have the issue tried before a jury: *Provided, however,* that before entering upon the lands as authorized by this section it shall be the duty of the board of county commissioners to serve notice upon the owner or owners of said land under authority of this act; and *provided further,* that in assessing the damages sustained by any landowner, the jury shall also take into consideration the special benefits, if any, accruing to the landowner and if such benefits shall exceed the damages, then the amount of such excess of benefits shall be assessed against the landowner and shall constitute a lien upon the land adjoining the road and shall be collected by the sheriff in the same way as public taxes.

Proviso.

SEC. 13. If any act shall be passed at this or any subsequent session of the General Assembly, authorizing the State to loan money to the counties or to make other agreements, to aid in building or improving public roads, taking county bonds as collateral for said loans, or if any provision should be made for the Federal Government to loan money to the counties for the purposes as above, then the board of county commissioners of Davidson County are hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

County
authorized
borrow money
from state.

“Highway”
defined.

SEC. 14. The term “highway” shall be understood to mean all public roads designated as such under the provisions of this

act; or that may be in use as such at the time of the passage of this act.

SEC. 15. Any member of the board of county commissioners or the highway superintendent or any agent or employee of either, making or causing to be made any fraudulent order whereby money is to be paid out of said highway fund, or any treasurer knowingly paying any fraudulent order, shall be guilty of a felony, and shall be imprisoned or fined, or both, in the discretion of the court, and shall be removed from office.

Fraudulent orders.

SEC. 16. That any moneys on hand in any township to the credit of the roads funds of such townships at the time this act becomes effective shall be turned over to the treasurer herein provided for, but they shall be kept separate and apart from the regular fund, and shall be expended for good roads work in such township, respectively, from which sums were received; and any moneys in the county treasury to the credit of any of the townships of the county shall be turned over to the treasurer herein provided for, to be expended for good roads work in these townships, under the authority of the board of county commissioners.

Moneys turned over to treasurer.

SEC. 17. That the said board of county commissioners herein created shall each year distribute the work of improving and constructing the highways of the county in each township as equitably as practicable, having due regard to the taxable property in each township.

Distribution of work.

SEC. 18. The board through its officers and agents is hereby authorized to enter upon any uncultivated land near or adjoining any public road of said county, to cut and carry away any timber, except trees or groves on improved land planted or left for shade or ornament, dig or cause to be dug and carried away any gravel, sand, clay, dirt or stone which may be necessary for the proper repair and construction of roads in said county, and upon any lands adjoining or lying near any road in Davidson County in order to make such drains or ditches through the same that the board may deem necessary for the better condition of the roads; and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person; that any person obstructing such drains or ditches shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Board given further authority.

SEC. 19. The owner of any land from which any timber or other material has been removed may present to the board his claim therefor in writing and upon such presentment it shall be the duty of the board to set a day not later than thirty days after the removal of such timber or material for the purpose of hearing his claim. Upon the hearing thereof the claimant may

Claims.

appeal to the Superior Court of said county to have his cause tried as in other civil causes.

Termination of contracts.

SEC. 20. That all obligations and contracts entered into by the board of road commissioners of Davidson County, shall terminate on the thirty-first day of March, one thousand nine hundred and twenty-five.

Audit.

SEC. 21. That the board of road commissioners of Davidson County shall have prepared, from such funds as may be in their treasury, a complete, detailed audit of the books and records of their office, showing specifically every item of bonded, floating and other indebtedness outstanding against said board or outstanding against Davidson County, by virtue of any act or acts of said board, together with a detailed statement of all other liabilities and of all assets of the said board.

Commissioners.

SEC. 22. That on and after the thirty-first day of March, one thousand nine hundred and twenty-five, the board of county commissioners of Davidson County shall consist of five commissioners, which board shall be composed of three incumbents and two additional commissioners. The two additional commissioners shall be appointed in the manner now provided by law for appointing county commissioners in case of death or resignation, and their terms of office shall begin at the time of their appointment and qualification and terminate on the first Monday in December, one thousand nine hundred and twenty-six.

Conflicting laws repealed.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 24. That this act shall be in force from and after the thirty-first day of March, one thousand nine hundred and twenty-five.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 300

AN ACT TO PROVIDE FOR ISSUANCE OF BONDS FOR ROAD CONSTRUCTION IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That the board of county commissioners of Columbus County is hereby authorized, empowered and directed to issue bonds of said county in an aggregate principal amount not exceeding fifty-five thousand dollars (\$55,000), the proceeds of which shall be applied and used for the construction and improvement of roads in said Columbus County as follows:

Use of proceeds.

(a) Thirty thousand dollars (\$30,000) of said amount shall be used and applied to the construction and improvement of a

road beginning at the intersection of "Old Dock" and Whiteville roads and running by Lee's Lake through Hallsboro to the White Hall road, and if said sum of thirty thousand dollars is not sufficient for the construction and improvement of said road the board of county commissioners are authorized and directed to use and work upon said road the county convict force a length of time sufficient for the completion of the said road; and

(b) Ten thousand dollars (\$10,000) of said amount shall be used and applied to the construction and improvement of a road beginning at the intersection of State highway route number twenty, just east of White Marsh Swamp, running through Welch's Creek Township to the Bladen County line at Red Hill Swamp; and

(c) Fifteen thousand dollars (\$15,000) of said amount shall be used and applied to the construction and improvement of a road leading from Chadbourn to Tabor by way of Clarendon.

SEC. 2. That said board of county commissioners of Columbus County is hereby authorized, empowered and directed to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest becomes due, which tax shall be in an amount sufficient for said purpose and shall be in addition to all the other taxes authorized by law to be levied in said county.

Special tax.

SEC. 3. That the bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in ten equal annual installments or series, beginning twenty years after the date of the bonds and ending not more than thirty years after such date.

Form; maturity.

SEC. 4. That said bonds shall be issued in such denominations, shall bear interest at such rates, not exceeding six per centum per annum, payable semiannually, and shall be made payable at such place or places as said board of county commissioners may determine. They shall be coupon bonds and be made registerable as to principal, or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Columbus County, and the county seal shall be affixed to or impressed on the bonds and attested by the clerk of said board: *Provided*, that the signatures on the coupons of said bonds may be lithographed. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any change in officers occurring after such signing.

Rate of interest; payment, etc.

SEC. 5. That said bonds shall be sold by the said board of county commissioners in the manner provided by the Municipal

Sale of bonds.

Finance Act for the sale of bonds. They shall not be sold for less than par and accrued interest.

Separate fund.

SEC. 6. That the proceeds of the sale of such bonds shall be placed in a separate fund and used only for the purpose or purposes for which the bonds were issued. The purchaser of the bonds shall not be bound to see the application of the proceeds.

Short term notes.

SEC. 7. That said board of county commissioners of Columbus County is hereby authorized, empowered and directed to issue short term notes in an amount sufficient to begin and carry on the construction and improvement of said roads without delay, which said short term notes shall be replaced or refunded by the issue of bonds as provided in this act.

Additional powers.

SEC. 8. That the powers granted by this act are granted in addition to and not in substitution for existing powers of Columbus County, and are not subject to any limitation or restriction contained in any other law. Nothing herein shall prevent Columbus County from issuing bonds under any existing act as well as under this act.

Conflicting laws repealed.

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 force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 301

AN ACT TO AMEND CHAPTER 482, PUBLIC-LOCAL LAWS 1921, RELATIVE TO THE SALARY OF THE SHERIFF OF PENDER COUNTY AND DEDUCTIONS OF COUNTY EXPENSES FROM THE SAID SALARY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one, chapter four hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by inserting at the close of said section, in line six, the following: "That whenever the sheriff of the county shall fail or neglect to execute the bonds required of him by law for collection of taxes or shall fail to settle at the time and in the manner provided by law with the board of county commissioners for the collection of taxes and it shall become necessary to appoint a tax collector or incur other expense on behalf of the county in collecting said taxes, the board of county commissioners shall fix and determine the salary of such tax collector and such salary and such additional

expense so incurred shall be deducted from the salary herein allowed the sheriff."

SEC. 2. That section two of chapter four hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by striking out, in lines one and two of said section, the words "thirty-four hundred" and inserting in lieu thereof the words "five thousand."

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 302

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE POLICE PENSION FUND OF THE CITY OF WILMINGTON TO PAY A PENSION TO MRS. RHOADY A. GEORGE.

Whereas, under and by virtue of chapter fifty-five of the Private Laws one thousand nine hundred and fifteen there was created a board of trustees of police pension fund of the city of Wilmington, which said board is vested with the authority and powers provided for in said act; and Preamble.

Whereas, section twelve, subsection two of said act authorizes said board, in its discretion, to provide for the payment of a pension in accordance with the stipulations contained in said act to the dependent parent, widow or child, as the case may be, of any member of the police force of the city of Wilmington killed within the city limits while in the actual performance of his duty; and

Whereas, on the twenty-ninth day of July, one thousand nine hundred and twenty-four, Leon George, a police officer of the city of Wilmington, was killed in the performance of duties which he had been instructed to perform in the county of Brunswick; and

Whereas, said Leon George had been a capable and efficient police officer of the city of Wilmington for more than twenty years immediately preceding his death; and

Whereas, the said Leon George left surviving him his widowed mother, Mrs. Rhoady A. George, who lived with him and who was dependent upon him for support and who at the death of said Leon George was left in almost destitute circumstances: Now, therefore,

The General Assembly of North Carolina do enact:

Pension paid
to Mrs. Rhoady
A. George.

SECTION 1. That the board of trustees of the police pension fund of the city of Wilmington be and it is hereby authorized and empowered to provide a pension, not exceeding twenty-five dollars per month, and to pay the same in monthly installments to the said Rhoady A. George during her life time, said pension to be paid from such funds that said board may now have or shall from time to time acquire under the provisions of chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen and acts amendatory thereof.

Application
of act.

SEC. 2. That this act shall not repeal or in any wise amend subsection two, section twelve of chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 303

AN ACT TO AUTHORIZE HALIFAX COUNTY TO FUND ITS FLOATING DEBT.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of commissioners of Halifax County is hereby authorized to issue bonds of said county in an aggregate amount not exceeding one hundred and five thousand dollars (\$105,000) for the purpose of funding outstanding notes or other temporary or floating indebtedness of said county issued or incurred for one or more of the following purposes, viz.: Constructing or improving roads or bridges, paying other expenses which are necessary expenses of said county within the meaning of section seven of article seven of the Constitution of North Carolina, or paying expenses necessary in order to maintain public schools in said county at least six months in every year as required by section three of article nine of the Constitution of North Carolina. The said outstanding indebtedness, amounting to one hundred and fifty thousand dollars, is hereby validated. The said board of county commissioners is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act as such principal and interest becomes due, which tax shall be in addition to all other taxes authorized by law to be levied in said county.

Indebtedness
validated.

Ad valorem tax.

SEC. 2. The said bonds may be issued all at one time or from time to time. They shall bear interest at a rate not exceeding six per centum per annum, payable semiannually, and shall mature at such time or times, not more than thirty years after their respective date or dates, and the principal and interest thereon shall be payable at such place or places and in such medium of payment as the board of commissioners of Halifax County may determine. They shall be issued in coupon form, but may be subject to registration as the principal alone or as to both principal and interest, as may be determined by the said board of county commissioners. Said bonds shall be sold at public sale for not less than par.

Issuance; rate of interest; maturity; payment, etc.

SEC. 3. The said bonds shall be issued pursuant to a resolution of said board of county commissioners in which said board shall find and determine that the amount of the then outstanding indebtedness referred to in the first section of this act and authorized by this act to be funded is not less than the amount of bonds to be issued pursuant to said resolution. Said resolution shall be published once in each of two successive weeks in a newspaper published in the town of Weldon in said county. With said resolution there shall be published a notice substantially in the following form (the blanks being first properly filled in), with the name of the clerk of said board of county commissioners appended thereto, viz.: "The foregoing resolution was passed by the board of county commissioners of Halifax County on the day of, 19....., and was first published on the day of, 19..... Any action or proceeding questioning the validity of any bonds issued pursuant to said resolution must be commenced within thirty days after the first publication of said resolution."

Issuance.

SEC. 4. The validity of the said resolution and of any bonds issued pursuant to said resolution shall not be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within thirty (30) days after the publication of said resolution.

Validity not open to question.

SEC. 5. The powers granted by this act are granted in addition to and not in substitution for the existing powers of Halifax County, and are not subject to any debt, limitation or other limitation or restriction prescribed by any other law.

Additional powers.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 304

AN ACT TO REGULATE THE SALARY OF THE SHERIFF OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section
repealed.

SECTION 1. That section one, chapter seventy-four, Public-Local Laws of North Carolina, session nineteen hundred and twenty-three, be and the same is hereby repealed and in lieu of same insert the following:

Insert.

“That the sheriff of Forsyth County, North Carolina, is to be paid by the county commissioners of Forsyth County, North Carolina, the sum of five thousand dollars per year; said sum of five thousand dollars is to be paid to the sheriff for Forsyth County in monthly installments of four hundred sixteen dollars sixty-six and two-third cents; the said salary of the sheriff is to begin on the first Monday in December, nineteen hundred and twenty-four, and the said sum of four hundred sixteen dollars sixty-six and two-third cents is to be paid him each month. The board of county commissioners of Forsyth County are hereby authorized and directed to pay the said sheriff of Forsyth County the further sum of fifteen hundred dollars per year for automobile upkeep and other necessary expenses in maintaining his office; said sum of fifteen hundred dollars is to be paid by said county commissioners to the sheriff of Forsyth County in installments of one hundred and twenty-five dollars per month. The said county commissioners are further authorized and directed to pay the sheriff of Forsyth County the sum of twelve hundred dollars per annum in monthly installments of one hundred dollars each for additional help in the sheriff’s office; that the sheriff is to receive no further fees or compensation for services other than the fees now allowed him for collecting special tax and such fee or fees for transporting prisoners from recorder’s court in Winston-Salem to the county roads. The county commissioners of Forsyth County are to pay all costs incident to transporting prisoners from one place to another or in bringing prisoners from other places to Forsyth County.”

Compensation
sheriff
regulated.

Conflicting
laws repealed.

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 305

AN ACT TO REGULATE THE LICENSE TAX OF NONRESIDENT DEALERS IN HORSES AND OTHER LIVESTOCK IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every person, firm, company or corporation engaged in the business of selling horses, mules and other livestock in the counties of Bertie, Anson and Harnett, either at public or private sale, shall pay a license tax of one hundred dollars (\$100) to the county in which said business is carried on for each year in which they do business in said county: *Provided*, this act shall not be construed as applying to bona fide residents of the State of North Carolina who pay taxes upon the business above referred to in this State. License tax.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 306

AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURT OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Superior Court of Burke County shall be opened and held in each year in the manner and at the times herein set fourth, to wit: First Monday after the first Monday in March, to continue for two weeks, for the trial of civil and criminal cases; the thirteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only; the fourth Monday before the first Monday in September, to continue for two weeks, for the trial of civil and criminal cases; the third Monday after the first Monday in September, to continue for three weeks, for the trial of civil cases only; the fourteenth Monday after the first Monday in September, to continue for two weeks, for the trial of criminal cases only: *Provided, however*, that the board of commissioners of Burke County, in any year, upon the written petition of a majority of the practicing attorneys resident in said county, may, by resolution duly adopted, dispense with and abrogate the holding of Terms Superior Court.

that term of said court which by the terms of this act commences on the thirteenth Monday after the first Monday in March.

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 force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 307

AN ACT AUTHORIZING THE COUNTY BOARD OF EDUCATION OF YADKIN COUNTY TO FIX THE COMPENSATION OF THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Compensation county superintendent public instruction.

SECTION 1. That the county board of education of Yadkin County shall have authority and power to fix the salary and allowances of the county superintendent of public instruction of said county: *Provided*, the amounts authorized and allowed shall at all times be within the State salary schedule as now or hereafter provided by law.

Compensation.

SEC. 2. That the salary fixed by said board of education as in section one provided for shall not be subject to change or review by any other board or tribunal.

Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 308

AN ACT TO AMEND H. B. 207, S. B. 120, RATIFIED JANUARY 27, 1925, AND ENTITLED AN ACT TO REESTABLISH THE OFFICE OF TREASURER OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section three of House bill two hundred and seven, Senate bill one hundred and twenty, ratified January twenty-seven, one thousand nine hundred and twenty-five, entitled "An act to reestablish the office of treasurer of Jackson County," be and the same is hereby repealed and the following inserted

in lieu thereof: "That said J. W. Davis and his successors in office shall receive the same commissions and emoluments as the same existed prior to the passage and ratification of an act of the Public-Local Laws of one thousand nine hundred and twenty-three denominated chapter one hundred and forty-eight."

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 309

AN ACT PROVIDING FOR THE APPOINTMENT OF ROAD SUPERVISORS FOR HUNTER'S MILL TOWNSHIP, GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act the following named persons shall compose the board of road supervisors of Hunter's Mill Township, Gates County: Shirley Baines, chairman; Bedford Brown and Charlie McCotter. Said board shall serve until the first Monday in December, one thousand nine hundred and twenty-six, or until their successors shall qualify. At the general primary held in one thousand nine hundred and twenty-six there shall be nominated three road supervisors for said township and at the next general election held in one thousand nine hundred and twenty-six, three road supervisors for said township shall be elected who shall serve for two years from the first Monday in December, one thousand nine hundred and twenty-six.

Appointment
road
supervisors.

SEC. 2. That the said board of road supervisors shall have complete charge of the construction and maintenance of the public roads in Hunter's Mill Township, Gates County, and during the month of December each year they shall post at the courthouse door a full report of their receipts and expenditures for the preceding year.

Duties of
supervisors.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 310

AN ACT TO REAPPOINT J. R. WITHERS A MEMBER OF THE MECKLENBURG HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Reappointment.

SECTION 1. That J. R. Withers be and he is hereby reappointed a member of the Mecklenburg highway commission, whose term of office shall be for six (6) years from the sixth day of April, nineteen hundred and twenty-five, or until his successor is appointed and qualified.

Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 311

AN ACT TO APPOINT REV. IRA SWANMAN OF POLK COUNTY PUBLIC WELFARE OFFICER OF SAID COUNTY AND TO FIX THE COMPENSATION OF SAID OFFICER.

The General Assembly of North Carolina do enact:

Welfare officer appointed.

SECTION 1. That the Rev. Ira Swanman be and he is hereby appointed to the office of public welfare officer of Polk County, to serve for the period of two years from the date of his appointment, at a salary of five hundred dollars per year and necessary expenses incident to said office to be paid one-half from the school fund and one-half from the general county fund.

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 force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 312

AN ACT TO FIX THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Salary clerk of court.

SECTION 1. That the clerk of the Superior Court of Mitchell County shall receive as his only compensation for services as

clerk of such court a salary of eighteen hundred dollars per year, payable out of the general county fund in twelve equal monthly installments.

SEC. 2. That said clerk of the Superior Court shall keep a separate and accurate account in a book provided for that purpose of all fees, commissions, and emoluments of his office now provided by law, and account for and pay over on the first Monday in each month to the treasurer all fees, commissions, and emoluments received during the preceding month, rendering to the board of county commissioners duplicate statement of such account, taking receipt of the treasurer therefor, which shall be a voucher in the hands of such clerk in future settlements, with the board of county commissioners, and shall on the first Monday in December of each year render a true and correct statement and account to the board of county commissioners of all fees, commissions, and emoluments of office received during the year ending on such date. And the bond of said clerk shall be liable for the faithful performance and payment according to the provisions of this act of all fees, commissions and emoluments of the office of said clerk: *Provided*, the said clerk shall collect all fees and commissions which under the general law of the State he is entitled to, keeping an itemized account of same which shall by him be filed with the board of county commissioners on the first Monday in each and every month. If it shall appear to the satisfaction of the county commissioners that the said clerk has neglected to collect any fee or commissions that he should have collected the said sum shall by the county commissioners be deducted from his salary.

Account of
clerk of court.

Clerk of court
liable.

Neglect.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 313

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO HAVE THE TAX BOOKS MADE.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Caswell County be and they are hereby authorized to employ some suitable person to make out the tax books for the years one thousand nine hundred and twenty-five and one thousand nine hundred and

Commissioners
authorized to
have tax books
made.

- Person employed.
- Compensation.
- Conflicting laws repealed.
- Date of effect.
- Commissioners authorized repay money.
- twenty-six, said person so selected shall make out the tax books and tax receipts and do all the necessary work relative to tax work in the county. He shall see that all the property is properly listed for taxation. He shall make all reports to the State Auditor, Revenue Commissioner and Board of Education, and any other report that may be required of him by law or by the board of county commissioners. He shall make all settlements between the sheriff and the county which settlements must be approved by the board of county commissioners. He shall supervise the listing of property and have general charge of the tax work in the county.
- SEC. 2. That said person shall receive as compensation for his work such amount as may be agreed upon by the commissioners not to exceed six hundred dollars per year, to be paid by the board of commissioners as may be agreed upon.
- 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 the first Monday in April, one thousand nine hundred and twenty-five.
- Ratified this the 6th day of March, A.D. 1925.

CHAPTER 314

AN ACT TO ENLARGE THE POWERS OF THE BOARD OF COMMISSIONERS FOR DURHAM COUNTY AND THE CITY COUNCIL FOR THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners for the county of Durham and the city council for the city of Durham are hereby authorized and empowered to repay and refund all sums of money which have heretofore been, or which may hereafter be, paid by a taxpayer or taxpayers, on account of taxes for which said taxpayer or taxpayers were not or shall not be liable, or which have been, or may hereafter be, paid by either a mistake of law or fact: *Provided*, a demand in writing for a refund of such taxes has been made or shall be made within sixty (60) days from the ratification of this act.

SEC. 2. In any case where demand has been or shall be made as aforesaid, where the board of commissioners for the county of Durham, or the city council for the city of Durham, shall determine that a taxpayer has paid taxes for which he or it was not liable, and there are no funds of the county or city available to repay and refund the amounts paid, said board of county com-

missioners of the county of Durham, or city council of the city of Durham, are hereby authorized and empowered to credit said taxpayer with the amount so paid by him or it against his or its tax liability for future years, and to distribute such credit over such period of time as said board or council may determine. In all cases where credit against future tax liability is given as herein provided for, said board of county commissioners or city council shall cause a written statement of said credit to be issued and delivered to the taxpayer, which shall be received by the sheriff or other tax collector of the city who shall credit the tax account of the possessor thereof with the amount of such credit, and such credit so made by said sheriff or other tax collector of said county or city shall be treated as and deemed to be cash in the hands of said sheriff or other tax collector of said county or city, in making his settlements of tax collections.

Credit to taxpayer.

Written statement.

Application of act.

SEC. 3. Nothing herein contained is to be construed as requiring said board of commissioners for the county of Durham or the city council for the city of Durham to refund or repay taxes erroneously paid, nor confer upon any taxpayer any rights with respect thereto, which do not now exist.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 315

AN ACT TO PREVENT THE THROWING OF GARBAGE, WASTE OR OTHER REFUSE NEAR THE PUBLIC ROADS OR PUBLIC HIGHWAYS IN THE COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation, personally or through agents or servants, to throw or cause to be thrown any garbage, waste or other refuse on the public roads and public highways in the county of Durham, or within three hundred feet thereof. The throwing of garbage, waste or other refuse on the said public roads and public highways, or within the limits above prescribed, is declared to be a public nuisance.

Unlawful throw garbage, etc.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined not

Violation misdemeanor; penalty.

exceeding fifty dollars or imprisoned not exceeding thirty days, or both, in the discretion of the court.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 316

AN ACT AMENDING CHAPTER 557, PUBLIC-LOCAL LAWS, 1923, DEFINING AND PUNISHING TRAMPS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter five hundred and fifty-seven, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended, by adding at the end of line two, section two of said act, the words "and Vance County."

Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 317

AN ACT TO AMEND CHAPTER 80 OF THE PUBLIC-LOCAL LAWS OF 1923, RELATING TO THE SALARY OF THE REGISTER OF DEEDS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Amendment increasing salary from \$3,000 to \$4,000 per year.

SECTION 1. In section one, line two, chapter eighty of the Public-Local Laws of one thousand nine hundred^o and twenty-three, strike out the words "three thousand per annum" and insert in lieu thereof the words "four thousand per annum."

Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 318

AN ACT REGULATING THE PAYMENT OF FEES FOR THE SEIZURE OF DISTILLERIES AND THE APPREHENSION AND CONVICTION OF VIOLATORS OF THE PROHIBITION LAWS IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. For every distillery seized by the sheriff or other police officer in Granville County, the sum of ten dollars shall be allowed and paid by the board of county commissioners of said county to the sheriff or other police officer seizing said distillery: *Provided*, that said commissioners shall not pay this amount if they are satisfied after due investigation that the seizure of the distillery was not made bona fide.

Fees for seized distillery.

SEC. 2. For every person apprehended, arrested and found guilty of violating the prohibition laws in Granville County, the board of county commissioners shall pay the sum of twenty-five dollars to the sheriff or other police officer apprehending and arresting such violator of the prohibition laws so convicted.

Fees for arrest.

SEC. 3. That the board of county commissioners of Granville County may, in their discretion, employ two full-time deputies to assist the sheriff in the apprehension of violators of the prohibition laws and said deputies when so appointed shall otherwise assist the sheriff in the general duties of his office. Such deputies shall each receive a salary not exceeding twelve hundred dollars per annum and shall perform their duties upon such terms and conditions as said board of county commissioners may provide.

Deputy sheriffs.

SEC. 4. This act shall apply to Granville County only.

Application of act.

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

Conflicting laws repealed.

SEC. 6. This act shall take effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 319

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A MEMBER OF THE BOARD OF ROAD COMMISSIONERS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That John G. Morton be and he is hereby appointed a member of the board of road commissioners of Gran-

Appointment board of road commissioners.

ville County for a term of four years beginning on the first day of April, one thousand nine hundred and twenty-five, and shall hold office for said term of four years and until his successor is appointed and qualified.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 320

AN ACT FOR THE REGULATION OF DRAWING JURORS FOR GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter six hundred and thirteen of the Public Acts of nineteen hundred and five, providing a special method for drawing jurors for Guilford County, be and the same is hereby repealed.

Section to apply
to Guilford
County.

SEC. 2. That sections two thousand three hundred and twelve, two thousand three hundred and thirteen, and two thousand three hundred and fourteen of Consolidated Statutes shall apply in all respects to Guilford County.

Drawing of
jurors.

SEC. 3. That jurors for the June, nineteen hundred and twenty-five term or terms of Guilford Superior Court shall be drawn as the law now provides for the drawing of jurors for Guilford County.

Date of effect.

SEC. 4. This act shall be in force from and after the thirty-first day of May, nineteen hundred and twenty-five.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 321

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO SELL THE PRESENT JAIL SITE.

The General Assembly of North Carolina do enact:

Commissioners
authorized sell
jail site.

SECTION 1. The board of commissioners of Wilson County are hereby authorized and empowered to make sale of the site of the present jail of Wilson County.

Sale.

SEC. 2. The said sale shall not take place until after the new jail now being erected in connection with the courthouse shall have been completed. The property shall be sold at public auc-

tion to the highest bidder or bidders after advertising the same by the publication of a notice in some newspaper published and circulating in Wilson County for four successive weeks and by posting notices thereof at the courthouse door and other places. The said sale may be made for cash or on time as to the board of commissioners may seem best, and the board of commissioners are authorized to give a discount in the event the purchaser or purchasers shall pay all cash.

SEC. 3. The proceeds received from said sale shall be used in the purchase of furniture and equipment for the courthouse of Wilson County and any balance shall be used to retire the bonds heretofore issued by Wilson County for the purpose of building a new courthouse and jail.

Proceeds.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 322

AN ACT TO ABOLISH COMMISSIONS PAYABLE TO THE SHERIFF-TREASURER OF ROCKINGHAM COUNTY FOR THE COLLECTION OF TAXES AND DISBURSEMENTS OF MONEYS AND TO ENLARGE THE GENERAL COUNTY FUND AND TO PROVIDE FOR THE PAYMENT OF SALARIES OF CERTAIN OFFICERS FROM SAID FUND.

The General Assembly of North Carolina do enact:

SECTION 1. The sheriff and treasurer of Rockingham County shall receive no commissions for taxes other than license taxes collected by him, nor shall he receive commissions for receiving or disbursing funds of Rockingham County or any township, or school district therein.

Sheriff and treasurer to receive no commissions, etc.

SEC. 2. That the salaries of the sheriff-treasurer, the clerk of the Superior Court, the register of deeds, their assistants and deputies shall be paid out of the general county fund.

Payment of compensations.

SEC. 3. 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-treasurer by virtue of his office, other than fees and commissions made and collected by his deputies, and commissions for the collection of license taxes, shall be faithfully collected by him and credited to the general county fund.

Collection of fees.

SEC. 4. All moneys turned over to the sheriff-treasurer by the clerk of the Superior Court, or register of deeds, as fees,

Fees, etc., credited to general county fund.

commissions or emoluments received by them, shall be credited by the sheriff to the general county fund.

Application
of act.

SEC. 5. This act shall be applicable to Rockingham County only and shall be effective from and after its ratification.

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 323

AN ACT TO AMEND CHAPTER 134, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1913, AND CHAPTER 6, PUBLIC-LOCAL LAWS, SESSION 1915, RELATIVE TO RECORDER'S COURT FOR CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section four, chapter one hundred and thirty-four, Public-Local Laws, extra session, one thousand nine hundred and thirteen, be and is hereby amended by striking out the words "Monday and Saturday," in line two, and inserting in lieu thereof "week day."

Amendment.

SEC. 2. That section nineteen, chapter six, Public-Local Laws, session one thousand nine hundred and fifteen, be and is hereby amended by striking out the word "four," in line four, and inserting in lieu thereof the word "six."

Amendment.

SEC. 3. That section twenty-one, chapter six, Public-Local Laws, session one thousand nine hundred and fifteen, be and is hereby amended by striking out all of said section after the word "therefor," in line three, and inserting in lieu thereof "six hundred dollars per annum, payable monthly by the county commissioners of Chowan County, and that the fees heretofore paid said prosecutor as compensation, to wit, four dollars for each conviction on one count in the indictment or warrant and two dollars for each additional conviction on counts in the indictment or warrant, be taxed by the clerk in the bill of costs in each case tried and collected by the clerk and paid to the county treasurer for credit to the general fund of said county."

Amendment.

SEC. 4. That section twenty-four, chapter six, Public-Local Laws, session one thousand nine hundred and fifteen, be and is hereby amended by striking out the words "Pasquotank County" and inserting the words "any county in North Carolina having a convict road force" in lieu thereof, by arrangement between the county authorities and the superintendent of the State Prison, prisoners may be sent to the State Prison farm.

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

Conflicting laws repealed.

SEC. 6. This act shall be in force from and after March first, one thousand nine hundred and twenty-five.

Date of effect.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 324

AN ACT TO AMEND THE ROAD LAW OF THE COUNTY OF RUTHERFORD, AND TO AUTHORIZE THE COUNTY COMMISSIONERS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the authority to locate, relocate, establish, construct, maintain, supervise and discontinue public roads, cartways and bridges in Rutherford County shall be vested in the board of county commissioners of said county.

Board of commissioners given authority.

SEC. 2. For the purpose of locating, relocating, establishing, constructing, maintaining, supervising and discontinuing public roads, cartways and bridges in Rutherford County, the board of county commissioners of said county shall be and they are hereby authorized to levy annually a specific tax, not to exceed thirty cents on the one hundred dollars valuation of the property, real and personal, in said county, to be expended for the purposes set forth in this section of this act and all necessary expenses and costs pertaining to roads and bridges in said county, including the buying of road machinery, equipment and supplies. Said specific taxes shall be levied and collected each and every year as other taxes are levied and collected, and shall constitute and shall be designated as road and bridge funds for Rutherford County to be spent wherever needed in the judgment of the board of said commissioners within said county, independent and without regard to township lines or without regard to the amount of said taxes collected from the respective townships of said county.

Special tax levy.

Purpose.

Collection.

SEC. 3. In addition to the authority conferred upon them, by the general law of the State the said board of commissioners of Rutherford County are hereby authorized and empowered to issue, execute and sell, road and bridge bonds of Rutherford County either at public or private sale, not exceeding two hundred and fifty thousand dollars, for the purpose of constructing roads and bridges in said county, and for the purpose of supplementing or duplicating State and Federal aid to be used in the construction, grading or surfacing the public

Bond issue authorized.

- Rate of interest; sale. roads or State highways in Rutherford County. Said bonds shall bear interest at a rate not exceeding five and one-half (5½) per cent per annum and shall not be sold for less than par, and shall be advertised for two weeks in some newspaper published in Rutherford County and in two issues of the *Charlotte Observer* published in Charlotte, North Carolina, and shall be payable within a period not exceeding twenty (20) years, and shall be payable serially as provided by the Municipal Finance Act of North Carolina. And the said bonds and coupons shall be in such form as may be prescribed by the said board of commissioners; and said bonds may be issued without submitting the question to the voters of Rutherford County, and in the event that the said board of commissioners shall issue the bonds hereinbefore provided for, or any part thereof, that they shall have authority and it shall be their duty to levy annually a tax upon all taxable property real and personal in said county sufficient to pay off said bonds as the same shall mature and the interest thereon as the interest shall accrue; that said bonds shall be dated at such time as may be fixed by the said board of commissioners and shall be executed by the chairman of said board, and attested by the register of deeds of Rutherford County, and shall bear the seal of Rutherford County. Said coupons shall bear a facsimile of the signature of the chairman of said board. Said bonds may be issued all at one time or at two, or more times in the discretion of the said board of commissioners, not to exceed the amount hereinbefore specified. The proceeds arising from said bonds shall be paid to the treasurer of Rutherford County and shall be paid out by order of the board of commissioners of said county for the purpose hereinbefore specified.
- Payment. **SEC. 4.** That the provisions of this act shall in no wise abridge the powers and authority of the board of commissioners of Rutherford County given them by the general law of the State in the control or management of the public roads of Rutherford County or in any wise pertaining to the roads of Rutherford County or to the sale of bonds for public roads in said county, but the authority herein granted shall be in addition to that given under the general law.
- No vote of people. **SEC. 5.** That section three thousand six hundred and thirty-three of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out thereof and eliminating therefrom the word "Rutherford" and the provisions of said article therein referred to shall hereafter apply to Rutherford County.
- Special tax. **SEC. 6.** That immediately upon the passage of this act the Secretary of State shall send a certified copy of this act to
- Issuance.
- Additional powers.
- Amendment.
- Copy to chairman commissioners.

the chairman of the board of commissioners of Rutherford County.

SEC. 7. That all laws and parts of laws in conflict with this act are hereby repealed, and that chapter one hundred and thirty-four, Public-Local Laws of extra session, nineteen hundred and twenty-four, be and the same is hereby repealed.

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 325

AN ACT TO AMEND CHAPTER 605 OF THE PUBLIC-LOCAL LAWS OF THE SESSION 1917, RELATIVE TO THE SALARY OF THE REGISTER OF DEEDS OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That after the words "clerk hire," in line two, page six hundred and ninety, section eight, chapter six hundred and five of the Public-Local Laws of the session one thousand nine hundred and seventeen, strike out the following words in said act, to wit: "and the further sum of six hundred dollars for making out the tax books."

Amendment allowing register deeds \$600 for making tax books.

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

Conflicting laws repealed.

SEC. 3. That this act shall take effect on the first Monday in December, one thousand nine hundred and twenty-six.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 326

AN ACT TO REPEAL CHAPTER 55, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924, RELATING TO THE SALARIES OF PUBLIC OFFICERS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-five of the Public-Local Laws of the extra session of one thousand nine hundred and twenty-four be and the same is hereby repealed.

Chapter repealed.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 327

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DAVIE COUNTY TO ISSUE BONDS TO FUND INDEBTEDNESS OF SAID COUNTY INCURRED FOR NECESSARY EXPENSES.

The General Assembly of North Carolina do enact:

Bond issue authorized.
Rate of interest.
Form.
Maturity.

SECTION 1. That the board of county commissioners of Davie County be and it is hereby authorized and empowered to issue and sell interest-bearing coupon bonds of said county in an amount not exceeding one hundred thousand dollars (\$100,000), in such denomination as said board may determine, the interest to be payable semiannually at such rate as may be determined by said board, not exceeding six per cent (6 per cent) per annum. Said bonds to be serial bonds of such form and tenor and the principal and interest payable at such place as said board may determine, to be dated as of such date or dates as said board of commissioners may determine, and shall mature at such time or times as said board of commissioners may by resolution determine, and shall be entitled "Davie County funding bonds."

SEC. 2. That said bonds and coupons shall be numbered and signed by the chairman of the board of county commissioners, and countersigned by the register of deeds of said county, and the coupons shall bear the facsimile of the signature of the chairman of said board, and the coupons shall be numbered on each bond.

Special tax.

SEC. 3. That the board of county commissioners shall annually, at the time of levying other taxes, levy a special tax on real and personal property in said county, over and above all other taxes authorized or limited by law, sufficient to pay the interest on said bonds and retire or pay off said bonds as they mature.

Use of proceeds.

SEC. 4. That the funds derived from the sale of said bonds shall be used only to pay off the outstanding indebtedness of said county incurred for necessary expenses.

Sale of bonds.

SEC. 5. That the board of county commissioners of Davie County are hereby empowered to sell said bonds at public sale,

with previous advertisement for thirty (30) days in some newspaper published in North Carolina.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 328

AN ACT PROVIDING FOR THE BOARD OF COMMISSIONERS OF PERSON COUNTY TO PURCHASE A CROSS-INDEX SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Person County be and they are hereby authorized and directed to forthwith purchase a modern vowel cross-indexing system for the office of register of deeds of Person County to cross-index all deeds and conveyances, mortgages, deeds of trust, contracts, releases, maps, plats and all other instruments pertaining to real estate in said county of Person, and they are hereby authorized and directed to employ such labor and help as shall be necessary to accurately and effectively cross-index all such instruments now in said office.

Purchase cross-indexing system for register of deeds.

SEC. 2. That the board of commissioners of Person County shall purchase a modern cross-index system for the office of the clerk of the Superior Court of Person County to index all papers, instruments and proceedings as are required by law to be indexed in said office, and said commissioners are authorized and directed to employ such labor and help as may be necessary to accurately and effectively cross-index the aforesaid instruments and proceedings of said office.

Cross-indexing system for clerk of court.

SEC. 3. That the board of commissioners of Person County are hereby authorized and directed to pay the cost and expense of the aforesaid indexes and the labor and help in indexing in said office out of the general funds of the county, and if sufficient funds are not available at the time of ratification of this act for the purpose, the said board of county commissioners are hereby authorized and directed to borrow said amount and to pledge the credit of the county for sufficient funds with which to pay the aforesaid indexes, labor and help.

Payment of systems.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 329

AN ACT TO REGULATE THE SALARIES OF THE OFFICERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Compensation
county officers.

SECTION 1. That the compensation of the officers of Swain County shall be as follows:

Chairman
county
commissioners.

The chairman of the board of county commissioners shall receive two thousand dollars per annum, payable in equal monthly installments;

Treasurer.

The treasurer shall receive eight hundred and forty dollars per annum, payable in equal monthly installments;

Sheriff.

The sheriff shall receive for his services as sheriff, the fees of his office, and for his services as tax collector he shall receive three thousand two hundred and fifty dollars per annum, payable in equal monthly installments;

Clerk of court.

The clerk of the Superior Court shall receive the fees of his office;

Register of deeds.

The register of deeds shall receive the fees of his office.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 330

AN ACT TO AMEND THE PUBLIC ROAD LAW OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That John Washburn, Bristo Ellis and John W. Webb are hereby appointed road commissioners of Mitchell County. Their term of office shall extend until the November election, nineteen hundred and twenty-six, and no longer. The county commissioners shall thereafter take charge of all the roads of the county. The road board shall receive pay for not more than four days in any one month, and only one

member shall be paid to inspect the roads or attend to road business at any other time than at a regular meeting of the board.

SEC. 2. That it shall be the duty of each of the boards of road commissioners and county commissioners to see to it that the taxes levied and collected in each township for road purposes shall be expended in the township where so levied and collected.

Duty of road and county commissioners.

SEC. 3. That the road commissioners of Mitchell County shall survey, widen, gravel, and well drain and ditch a street eighteen feet wide, and build a concrete sidewalk three feet wide, beginning at the corner of James Bradshaw's lot and extending to the residence of Reverend Julius Henline. After this shall have been done they shall build a concrete sidewalk from the high school building to the main street crossing Cane Creek bridge. All the public road funds of Bakersville Township and one thousand dollars of the proceeds of the sale of the bonds to build the road from the top of the George Buchanan hill to Mine Creek, or so much thereof as may be necessary, shall be used to carry out the provisions of this section. The sidewalk and road above referred to shall be completed before the other walk shall be commenced. This work shall be commenced and finished during the spring or summer of nineteen hundred and twenty-five.

Duty of road commissioners.

The road commissioners, and not the governing body of the town of Bakersville, shall have full charge of all the public road funds of the entire township, and they shall be expended as the said road commissioners may direct.

Road commissioners to have charge public roads.

A jury to assess damages, if any, shall be appointed within sixty days after the walks herein provided for shall be completed, and not until they shall have been finished.

Jury to assess damages.

SEC. 4. That all able-bodied men from twenty-one to forty-five years of age, liable to work on the public roads, shall in each and every year, beginning on the first day of June, nineteen hundred and twenty-five, work four days of ten hours each or pay six dollars in lieu thereof. If he does not do reasonable work the overseer may immediately discharge him and have him arrested for failure to work the road: *Provided*, that if at any time he may be warned to work a less number of days than four, he shall pay one dollar and a half for each day so warned, if he does not desire to work: *Provided further*, that the road contractor or other person in charge of the roads in each township shall give to each road-hand for the labor done or money paid, as the case may be, a stub receipt, showing the number of days worked, or amount of

Road duty.

money paid and the stub shall show the amount and date of payment.

Use of surplus.

SEC. 5. That whatever amount of funds may now remain in the hands of the road commission as a result of the sale of bonds for the building of the public road up Cane Creek, shall be equally divided between Green Cove and Young Cove, and shall be used to repair the main public roads in each cove.

Conflicting laws repealed.

SEC. 6. That so much of chapter one hundred and forty, Public-Local Laws, session nineteen hundred and nineteen, and all acts amendatory thereto as are in conflict with this act, be and the same are hereby repealed.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 331

AN ACT TO CREATE A MORE EFFICIENT FORM OF GOVERNMENT FOR JACKSON COUNTY.

The General Assembly of North Carolina do enact:

County commissioners.

SECTION 1. That there shall be nominated at the next primary and elected at the next general election held in Jackson County a board of three county commissioners, who shall take the place of the hitherto existing county board of commissioners and county highway commission, and who shall hereafter perform all the duties and exercise all the powers heretofore conferred by law upon each of the aforesaid boards; and the qualifications, the designation, the particular duties, and the compensation of each of the members of said board of county commissioners shall be as follows:

"County commissioner of roads."

(a) One reputable, intelligent citizen and taxpayer of said county to be designated as "county commissioner of roads," who shall have charge of the entire county highway road system, outside of the State highways now or hereafter laid out, constructed and maintained as such, and such person shall have all the powers, rights and responsibilities of the board of county road commissioners or supervisors now holding office as such in Jackson County. Such person shall be a member of the board of county commissioners of Jackson County and shall for all his services receive an annual salary of twenty-

four hundred dollars (\$2,400) payable in monthly installments of two hundred dollars (\$200) per month.

(b) One reputable, intelligent citizen and taxpayer of said county, to be designated "county commissioner of finance," who shall act as tax supervisor of said county with all the rights, powers and duties generally belonging or pertaining to the supervising, assessing, and listing of the taxes of said county; such person shall also act as county treasurer of Jackson County fulfilling all such duties and responsibilities as now devolve upon the county treasurer of said county. Such person shall likewise act in the capacity of county commissioner of Jackson County, and for all his services shall receive an annual salary of twenty-four hundred dollars (\$2,400) payable in monthly installments of two hundred dollars (\$200).

"County commissioner of finance."

(c) One reputable, intelligent citizen and taxpayer of said county, to be designated "county commissioner of public welfare," who shall be chairman of the county board of education as hereinafter provided for and shall have all the rights, duties and responsibilities now devolving on such official of said county. And it shall be his further duty to act in the capacity of county superintendent of public welfare and to perform all duties prescribed by law for such officer in other counties of this State and to conform to the regulations of the State Department of Public Welfare. Such person shall also be a member of the board of county commissioners of Jackson County, and for all his services shall receive an annual salary of twenty-four hundred dollars (\$2,400), payable in monthly installments of two hundred dollars (\$200): *Provided*, that the county board of education shall continue until the first Monday in April, one thousand nine hundred and twenty-seven, when its duties shall be transferred to the said chairman of the county board of education and his two associate members of the county board of education as hereinafter provided for.

"County commissioner of public welfare."

SEC. 2. That the three officials hereinbefore provided for shall constitute the board of county commissioners of Jackson County, and they shall meet and organize as a board of county commissioners, electing one member chairman of said board.

To constitute board of county commissioners.

SEC. 3. That all county matters properly coming before such a board shall be considered and passed on by said officials as the board of county commissioners of Jackson County and no action shall be taken except when all three members are present and at least two of the members concurring in the passage of all orders touching the general and financial affairs and the county highway system of the county.

Authority of board.

Fidelity bonds.

SEC. 4. That the members-elect of the said board of county commissioners shall, before assuming the duties and responsibilities of their offices, make and file with the clerk of the Superior Court of Jackson County fidelity bonds as follows for the faithful performance of duty and for the honest accounting for all funds received, appropriated, and disbursed by them: (a) The county commissioner of finance, a fidelity bond in the sum of at least forty thousand dollars (\$40,000); (b) the other two commissioners, each a fidelity bond in the sum of at least five thousand dollars (\$5,000): *Provided*, that the cost of said bonds shall be paid out of the general county fund.

Organization.

SEC. 5. That the county board of education of Jackson County shall, on and after the first Monday in April, one thousand nine hundred and twenty-seven, consist of the above-named chairman of the county board of education and two other members chosen and empowered by the General Assembly of North Carolina, and they shall meet, qualify, and organize on the first Monday in April, one thousand nine hundred and twenty-seven, thereafter, until their successors are likewise chosen and qualified, exercising all powers and discharging all duties granted and imposed by the school law of the State as applicable to county boards of education.

Election county superintendent public instruction.

SEC. 6. That on the first Monday in April, one thousand nine hundred and twenty-seven, the said county board of education shall elect a county superintendent of public instruction, in accordance with the provisions of the school law and the regulation of the State Department of Education, his duties, powers, and responsibilities to be the same as those prescribed by the school law.

Submitted to voters.

SEC. 7. That before this act is effective it must be submitted to the qualified voters of Jackson County at a special election to be held the first Saturday in April, one thousand nine hundred and twenty-six, to be called and conducted in the same manner and under the same rules and regulations as elections for members of the General Assembly. At said election if a majority of the votes cast be "For the commission form of government," then this act shall be effective; but if a majority of the votes cast be "Against the commission form of government," then this act shall be null and void.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 332

AN ACT TO PROVIDE FOR THE CORRECTION OF ERRORS
IN ASSESSMENTS AND THE EQUALIZATION OF THE
ASSESSED VALUE FOR TAXATION OF LAND IN MECK-
LENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Mecklenburg County be and they hereby are authorized during the months of May, June, July and August, nineteen hundred and twenty-five, to increase the value for taxation of any real property in Mecklenburg County which they shall find to be upon the tax books at a value less than its true value in money: *Provided*, that before increasing the assessed value of any such property they shall notify in writing the owner of such property of the proposed increase in the assessed value thereof, naming a time and place at which the owner of said property or any other person interested may appear before the board and be heard with reference to the proposed increase in valuation, which notice shall be served upon the owner of such property personally or mailed to him at his last known postoffice address at least ten (10) days prior to the date of such hearing, service of which notice upon the person owning any such property on May first, nineteen hundred and twenty-five, shall be sufficient service under this section. Where it appears that the owner of any such property is out of the State, or where he has no address within the State known to the board of commissioners, it shall be sufficient notice under this section for the board of commissioners to cause to be published in a newspaper published in the city of Charlotte, once a week for four weeks prior to the date of said hearing a notice setting forth the name of the owner, the location of the property, the proposal to increase the value thereof for taxation and a statement of the time and place when and where the owner may be heard with reference to such proposed increase.

Commissioners
authorized
increase value
real property
tax.

SEC. 2. At the time and place named in the notice provided in the preceding section of this act, the board of commissioners shall examine into the circumstances affecting the value of any such property, at which time the owner of said property or any other person interested shall be afforded an opportunity to be heard and to introduce evidence bearing upon the value thereof. If the consideration of the value of any such property shall not be reached or shall not be completed upon the day named in the notice to the owner thereof, the board may

Examination;
owner to be
heard.

adjourn the hearing from time to time until the consideration of all such property shall have been completed. Following the hearing as to each tract, the board may either by resolution passed at that time fix the assessed value of said property for taxation and announce the valuation so fixed, in which event same shall be sufficient notice to the owner of said property and all other persons interested of the value so fixed whether the owner of such property shall be present at such hearing or not; or else the board may reserve its decision until a later time, when same shall be embodied in a resolution passed by said board fixing the assessed value for taxation of such property, in which event notice of such valuation shall be mailed to the owner of such property at his last known address within five (5) days following the meeting at which such valuation is so fixed.

Right of appeal.

Notice of appeal.

SEC. 3. The owner of any property the assessed valuation of which shall be increased by the board of commissioners under the preceding section of this act shall be entitled to appeal from the valuation fixed by said board to the State Board of Assessment by delivering notice in writing of such appeal to either the chairman or the clerk of said board of commissioners within ten (10) days after notice of said increased valuation shall have been given in open meeting or by mail as provided in section two of this act; whereupon it shall be the duty of the said board of commissioners through its chairman or clerk, within fifteen (15) days from the receipt of such notice of appeal, to forward to the State Board of Assessment a certificate under the seal of the county setting forth the previous valuation upon such property, a copy of the resolution of the board increasing such valuation, and the notice of appeal filed with the board. Upon receipt of such certificate the State Board of Assessment shall fix a date for the hearing of same after not less than five (5) days notice by mail to the appellant and to the county.

At such hearing so fixed the State Board of Assessment may examine witnesses under oath, consider the evidence presented to it by both parties and make such further investigation as it may deem necessary, after which it shall fix a valuation upon said property and certify same to the board of commissioners of said county. The valuation so fixed and certified by the State Board of Assessment shall be the value at which such property shall be assessed for taxation for the years nineteen hundred and twenty-five and nineteen hundred and twenty-six and the board of commissioners shall neither increase nor decrease the assessed value of any lands for taxation for the year nineteen hundred and twenty-six unless same prior to

May first, nineteen hundred and twenty-six, shall have been affected by some extraordinary circumstances, the facts in connection with which shall be found by the board of commissioners in each case.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 333

AN ACT TO ENLARGE THE POWERS OF THE ROAD COMMISSION OF ROBESON COUNTY IN ORDER TO ENABLE THEM TO CARRY OUT THEIR PLANS TO BUILD A COUNTY HIGHWAY SYSTEM IN ROBESON COUNTY, AND PROVIDE MACHINERY THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That since the road commission of Robeson County has, pursuant to its power and authority legally vested in it, determined, in a meeting duly and regularly held, that it will build, construct, repair and maintain a county highway system in Robeson County, composed of several public roads in said county which are not a part of the State highway system, but, when taken together, comprise the following road system, to wit: Beginning at a point at or near Midway Filling Station on the highway leading from Lumberton, by way of St. Pauls, to Fayetteville, formerly known as the old stage road, in Parkton Township, in said county, and thence through the town of Parkton and the town of Lumber Bridge, by way of the village of Shannon, to Red Springs, and thence to Maxton, and thence to the town of Rowland, and thence to the town of Fairmont, and thence to the town of Orrum, and on to the Wilmington-Charlotte, Asheville highway number twenty, of the State highway system, at or near, or in the vicinity of the Hector Stevens residence. Also a road beginning at a point on the Fayetteville road near the gin on the E. E. Lewis farm and extending by Saddle Tree Church to the town of Rennert; thence to the point where the Rennert-Lumber Bridge road intersects with the Lumber Bridge-St. Paul road.

Powers of road commission enlarged.

The said road commission is hereby fully authorized and empowered to use the chain gang, which is composed of the

Road commission authorized use chain gang.

prisoners sentenced to work upon the roads of Robeson County, in the building, construction, altering, repairing, grading, laying out of the said road, and to incur such other expense as may be necessary in connection with the said road from the county road tax levied in Robeson County.

No special tax to be expended.

SEC. 2. That no special tax levied in any township or district through or into which the said system may extend shall be expended on the said system so designated, unless the act under which said special tax is voted or authorized shall authorize the same to be expended on said county system.

Representatives of road commission.

SEC. 3. Said road commission of Robeson County is hereby authorized and empowered, in its discretion, to name and designate persons along and in the vicinity of the course of the said county highway system as hereinabove recited, who shall serve without compensation to act as representatives of the said road commission in said sections so that the localities through which said system may go may receive further and additional consideration in the location, construction and maintenance of said county highway system.

Purchase of machinery, etc.

SEC. 4. The said road commission is authorized and empowered, out of the said county road fund, to purchase machinery and to hire such labor as may be necessary to operate the same, as in their discretion may appear proper for the laying out, construction and maintenance of the said road; and it is hereby declared to be the policy of said commission to maintain the said road as the county highway system, without expense to the townships as such through which or into which the said system extends.

Division of convicts.

SEC. 5. The road commission of Robeson County shall divide convicts, and other laborers employed to construct the highway system described in this act, into at least two groups, so that one group may commence work at the initial point of said highway system and proceed toward the terminus, and the other shall commence work at the terminus of said highway system and work toward the beginning point. A third group shall be employed on that part of the system leading from the Fayetteville road to the Lumber Bridge-St. Pauls road, unless the road commission shall determine as a fact that it is not practicable, on account of the number of convicts and other construction forces employed, to divide the same into more than two groups. It is hereby declared to be the purpose and intent of this section to provide for the work of construction to proceed in two or more sections of the county at the same time.

SEC. 6. That all special acts, public-local acts and other laws in conflict with this act are hereby, to the extent of such conflict, repealed.

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 334

AN ACT TO CREATE TWO VOTING PRECINCTS IN WILSON TOWNSHIP, IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. There shall hereafter be two voting precincts in Wilson Township, in Wilson County, to be known as precincts number one and number two. Precinct number one shall be all that portion of Wilson Township lying north of the following road and street, to wit: Beginning at the bridge at Toisnot Swamp at the boundary line between Gardners and Wilson townships, across the old Plank road, being now known as route number ninety-one of the State highway system; runs thence with and along the said road westward to the boundary line of the town of Wilson; at which point the said road becomes known as Nash Street; continues with Nash Street through the town of Wilson to the corporate limits thereof; continues with said road to the boundary line between Wilson and Taylors townships; and precinct number two shall be all that portion of Wilson Township lying south of the said road and street.

Two voting
precincts.

SEC. 2. The county board of electors shall establish one (1) voting place in each of said precincts, one of which shall be the courthouse in precinct number one, and the other to be named by the board of elections, and notice to be given by publication in some newspaper published and circulating in the town of Wilson for four (4) successive weeks.

Location
precincts.

SEC. 3. At all elections, special or general, hereafter held in Wilson Township, the above voting precincts shall be observed unless and until the board of elections of Wilson County shall change the same according to law, and nothing in this act shall be construed to deprive the board of elections of their authority to make such changes in the voting precincts as is conferred upon them by the general law.

Change of
precincts.

SEC. 4. The board of elections of Wilson County shall, as soon as practicable after the ratification of this act and before

Copies of
registration
book.

any election is held, cause two copies of the present registration book for Wilson Township to be made, one of which shall be delivered to the registrar to be named for precinct number one and one of which shall be delivered to the registrar for precinct number two to be named. The expense of making such copies shall be paid by the county commissioners under the general law governing transcribing the names from one registration book to another.

No deprivation
of right to vote.

SEC. 5. No person who has heretofore registered according to law in Wilson Township and whose name appears on the present registration book thereof shall be deprived of the right to vote because of the passage of this act, but such person shall vote in the precinct in which he or she lives. All persons hereafter registering shall register in the proper precinct.

Registration.

Date of effect.

SEC. 6. This act shall be in force from and after the first Monday in April, one thousand nine hundred and twenty-five.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 335

AN ACT TO AMEND CHAPTER 520 OF THE PUBLIC-LOCAL LAWS OF 1915, BEING AN ACT TO ESTABLISH A SPECIAL COURT FOR FORSYTH COUNTY WITH CIVIL JURISDICTION TO BE KNOWN AS FORSYTH COUNTY COURT, AND THE AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter five hundred and twenty, Public-Local Laws of one thousand nine hundred and fifteen be and the same is hereby amended as follows:

SEC. 2. That section two of said chapter is amended by inserting the word "original" after the word "have" and before the word "jurisdiction," in the first line thereof.

Amendment.

SEC. 3. That section two, subsection b of said chapter, is hereby amended so as to read as follows:

b (1) Jurisdiction concurrent with the Superior Court in all actions founded on contract;

(2) Jurisdiction concurrent with the Superior Court in all actions not founded on contract;

(3) Jurisdiction concurrent with the Superior Court in all matters to try title to lands and to prevent trespass thereon and to restrain waste thereof.

(4) Jurisdiction concurrent with the Superior Court in all Amendment.
 actions pending or that may hereafter be brought in said county court to issue and grant temporary and permanent restraining orders and injunctions, appoint receivers, and administer all provisional, extraordinary and ancillary remedies that are or may be vested in the Superior Court, and the judge of the Forsyth County court shall have full power and authority to sign such orders or judgments either at term or out of term, in or out of Forsyth County, and such orders and judgments shall run to and be effective in any part of the State to the same extent as if signed by a judge of the Superior Court, provided that said county court shall not be deemed to have jurisdiction in divorce, alimony or separate maintenance, habeas corpus, mandamus, quo warrento or special proceedings.

SEC. 4. That section four of said chapter be amended so as to read as follows: That the terms of the Forsyth County court shall be as follows:

Ninth Monday before first Monday of March, to continue for one week;

Sixth Monday before first Monday of March, to continue for two weeks;

Fourth Monday before first Monday of March, to continue for one week;

First Monday before first Monday of March, to continue for two weeks;

Fifth Monday after first Monday of March, to continue for one week;

Eighth Monday after first Monday of March, to continue for two weeks;

Tenth Monday after first Monday of March, to continue for one week;

Fourteenth Monday after first Monday of March, to continue for two weeks;

Sixteenth Monday after first Monday of March, to continue for two weeks;

Ninth Monday before first Monday of September, to continue for two weeks;

Seventh Monday before first Monday of September, to continue for one week;

First Monday of September, to continue for one week;

Sixth Monday after the first Monday of September, to continue for two weeks;

Eighth Monday after first Monday of September, to continue for one week;

Eleventh Monday after first Monday of September, to continue for two weeks;

Thirteenth Monday after first Monday of September, to continue for one week.

Amendment.

SEC. 5. That section three of chapter five hundred and seventeen of the Public-Local Laws of one thousand nine hundred and twenty-one is hereby amended so as to read as follows: That all judgments of the Forsyth County court shall be entered in the minutes of the court, but no judgment docket for said court shall be kept or maintained. The clerk of the Superior Court for Forsyth County shall, as soon as practical after rendition and in any event immediately after the adjournment of the several terms of said county court docket in the Superior Court, all judgments of said court direct from such minutes and in the same manner as judgments of the Superior Court are docketed, without further certification or transcript and the minutes of such court shall for such purpose be deemed to be a sufficient transcript, and all such judgments shall thereupon have the same force and effect as if they had been originally judgments of the Superior Court and shall be subject to the same limitations. Any judgments rendered in the Forsyth County court during a term of the court and docketed as above provided in the Superior Court during the said term, or within ten days thereafter, shall be held and deemed to have been rendered and docketed on the first day of said term of said county court.

Judgments
entered in
minutes
of court.

SEC. 6. That judgments entered by the clerk of the Forsyth County court, or by the judge of said court out of term, shall be entered in the minutes of said court and when so entered they shall be docketed direct in the Superior Court for Forsyth County, and shall thereupon have the same force and effect as if they had been originally judgments of the Superior Court.

Signature
of judgment.

SEC. 7. That the judge of the Forsyth County court may in term sign any judgment or order in any cause pending in the Forsyth County court whether on the appearance or on the trial docket of said court.

Notice of
lis pendens.

SEC. 8. Any party to an action pending in the Forsyth County court affecting the title to real property may file a notice of lis pendens in the office of the clerk of the Superior Court of Forsyth County as provided by article eleven of chapter twelve of the Consolidated Statutes of one thousand nine hundred and nineteen, or as may be provided in amendments thereto. Such notice shall be filed, docketed and indexed, and shall have the same legal effect as is provided in said article.

SEC. 9. That section ten of chapter five hundred and twenty of the Public-Local Laws of one thousand nine hundred and fifteen be amended by adding the following at the end thereof: That for the purpose of determining the venue of actions, and for the purpose of removal of causes either to or from the Forsyth County court to courts of other counties or to the Federal courts the same provisions of law which apply to the venue of and removal of causes to and from the Superior Court of Forsyth County shall apply. Amendment.

SEC. 10. That the judge of the Forsyth County court shall receive a salary of forty-five hundred dollars per year, payable in equal monthly installments out of the treasury of Forsyth County. Compensation
judge.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 336

AN ACT TO VALIDATE CERTAIN DRAINAGE BONDS IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings had and taken by the drainage commissioners of Tyrrell County drainage district number one, in the establishment of said district, and in the issuing of four thousand and five hundred dollars (\$4,500) serial bonds, bearing date of July the first, one thousand nine hundred and twenty-four, and issued pursuant to the provisions of chapter ninety-four, Consolidated Statutes of North Carolina, and amendments thereto, for drainage improvement, and the fixing of maturities of said bonds, and in the awarding and selling of the same, and all acts incident thereto, be and the same are hereby and all respects validated, ratified and confirmed, and all other acts and proceedings required to be done to make the same a valid and binding issue of bonds are declared to have been done in all respects as required by law. Bond issue
validated.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 337

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF FORSYTH COUNTY TO PURCHASE A SITE FOR A COURTHOUSE, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Site for
courthouse.

SECTION 1. That the county commissioners of Forsyth County are hereby authorized and empowered to purchase a suitable site for the erection of a courthouse for the county of Forsyth, said site not to be over one-half mile from the present courthouse site.

Bond issue
authorized.

SEC. 2. The county commissioners of Forsyth County are hereby authorized and empowered to issue bonds or promissory notes of the county or in any other form pledge the credit of the county in an amount sufficient to procure a suitable site for a courthouse; and to pay for the erection thereon of a courthouse building.

Commissioners
authorized
borrow money.

SEC. 3. That if deemed advisable, the county commissioners of Forsyth County are authorized and empowered to erect a courthouse on the present courthouse site and to borrow money and to secure same either by notes or by bonds or to pledge the credit of the county in such other manner as they may deem expedient to obtain the money to erect said courthouse.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 338

AN ACT TO AUTHORIZE COMMISSIONERS OF GREENE COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSES OF PAYING OFF AND DISCHARGING AN EXISTING INDEBTEDNESS AGAINST THE HOOKERTON SPECIAL TAX SCHOOL DISTRICT NUMBER ONE, GREENE COUNTY AND TO PROVIDE FOR THE COLLECTION THEREOF AND ALSO TO PROVIDE FOR THE SUBMISSION OF THE SAME TO THE WILL OF THE QUALIFIED ELECTORS THEREIN THROUGH AN ELECTION TO BE CALLED FOR THAT PURPOSE.

Preamble.

Whereas, Hookerton special tax school district number one, Greene County, located in Hookerton, is indebted to the State

of North Carolina in the sum of forty-six thousand dollars, which indebtedness was caused by the building of a large and modernly equipped school building for said school district, which indebtedness has been guaranteed by the said county of Greene, which is now paying off the same to the State as the various installments become due and payable; and

Whereas, the funds which have been and may be apportioned to said school district have not nor will the same be sufficient in amount to secure to said school district a term of school greater than six months in extent and duration (the said district having heretofore enjoyed an eight months term) and at the same time to supply sufficient funds to meet the said indebtedness for building and equipment of said school building; and

Whereas, it is desirous that the said apportionment heretofore made and to be made said school district shall not be diverted in any part so as to lessen the eight months term enjoyed by said school district; and

Whereas, it is desired that a special tax be levied and applied in the discharge of the said indebtedness owing by the said school district for the building and equipment of the said school building as hereinbefore set out: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Greene County, in order to provide for the payment and discharge of the indebtedness now existing against Hookerton special tax district number one, Greene County, said indebtedness having been made and created on account of the building of a large and modernly equipped school building for said school district, the funds for the building and equipment thereof having been supplied and furnished by and through the State of North Carolina and the county of Greene, the county of Greene being the guarantor of the entire indebtedness therefor incurred, be and it hereby is authorized, empowered and directed to submit to the vote of the electors in said Hookerton special tax school district number one, Greene County, the question, "Shall the Hookerton special tax school district number one, Greene County, levy a special tax for the payment and discharge of said indebtedness of said special tax school district?" And said board of commissioners shall for at least thirty days preceding said election give notice thereof by publication in one or more newspapers published in said county of Greene.

Special
tax levy.

Purpose.

SEC. 2. That said election shall be held and conducted in the same manner as prescribed by law for the holding of

- Election. elections for members of the General Assembly: *Provided*, that the said board of commissioners shall order a new registration and appoint a registrar and judges of elections; that the vote shall be counted at the close of the polls and returned to the board of commissioners on the second day after the
- Results. said election; and said board of commissioners shall tabulate and declare the results of said election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of result of said election shall be necessary.
- Ballots. SEC. 3. That at said election the ballots shall have written or printed upon them the words, "For school building tax" or "Against school building tax"; all qualified voters who favor the tax and levy on all properties, real and personal, for the purposes afore set out shall vote, "For school building tax"; all qualified voters who are opposed thereto shall vote, "Against school building tax."
- "For school building tax." SEC. 4. That in the event that a requisite majority of the qualified electors of said special tax school district shall vote, "For school building tax" at said election, the board of commissioners shall, at the time for levying the general county tax, make a levy on all the properties, real and personal, being or situate in said special tax school district not to exceed thirty cents on the one hundred dollars valuation of said property, which tax shall be collected by the sheriff of Greene County or the collector of taxes for said county or school district at the same time and in the same manner as the general county taxes are collected.
- Collection of tax. SEC. 5. That the proceeds from the taxes collected as above set out shall be deposited with the county treasurer as are other county taxes and county funds and shall be paid out on warrant or order of the board of commissioners of Greene County by the said county treasurer in the payment and discharge of said indebtedness.
- Proceeds deposited. SEC. 6. That said levy and collection of taxes from all said property shall be in force from the year one thousand nine hundred and twenty-five to and through one thousand nine hundred and forty-four, inclusive, a twenty-year period of taxation: *Provided, however*, if said indebtedness shall be paid off and discharged before the end of said twenty-year period within the rate of taxation hereinbefore authorized, then and in that event the said board of commissioners shall have no further right or authority to levy or cause to be collected any additional tax then required to pay off and discharge said indebtedness in full.
- Date of taxes.

SEC. 7. That in computing and ascertaining the exact amount of said indebtedness that may be owing by the said special tax school district, the said board of commissioners shall have authority and power to charge against the principal sum due at any time a rate of interest not exceeding a rate of four and one-half per cent per annum, the rate of interest required to be paid on said indebtedness by the State. Rate of interest.

SEC. 8. That the said board of commissioners shall have authority and power to charge against the taxes collected under this act any expense or commission incident or chargeable to the collection of the said tax and the payment and discharge of said indebtedness and to receive pay therefor and to issue its warrant or order thereon to be paid by the county treasurer to whomsoever owing. Expenses, etc.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 339

AN ACT TO AUTHÔRIZE COMMISSIONERS OF GREENE COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING OFF AND DISCHARGING AN EXISTING INDEBTEDNESS AGAINST THE SPEIGHTS BRIDGE SPECIAL TAX SCHOOL DISTRICT NUMBER ONE, GREENE COUNTY, AND TO PROVIDE FOR THE COLLECTION THEREOF AND ALSO TO PROVIDE FOR THE SUBMISSION OF THE SAME TO THE WILL OF THE QUALIFIED ELECTORS THEREIN THROUGH AN ELECTION TO BE CALLED FOR THAT PURPOSE.

Whereas, Speights Bridge special tax school district number one, Greene County, located in Walstonburg, is indebted to the State of North Carolina in the sum of forty thousand dollars, which indebtedness was caused by the building of a large and modernly equipped school building for said school district, which indebtedness has been guaranteed by the said county of Greene, which is now paying off the same to the State as the various installments become due and payable; and Preamble.

Whereas, the funds which have been and may be apportioned to said school district have not nor will the same be sufficient in amount to secure to said school district a term of school greater than six months in extent and duration (the said district having heretofore enjoyed an eight months term) and

at the same time to supply sufficient funds to meet the said indebtedness for building and equipment of said school building; and

Whereas, it is desirous that the said apportionment heretofore made and to be made said school district shall not be diverted in any part so as to lessen the eight months term enjoyed by said school district; and

Whereas, it is desired that a special tax be levied and applied in the discharge of the said indebtedness owing by the said school district for the building and equipment of the said school building as hereinbefore set out: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Greene County, in order to provide for the payment and discharge of the indebtedness now existing against Speights Bridge special tax district number one, Greene County, said indebtedness having been made and created on account of the building of a large and modernly equipped school building for said school district, the funds for the building and equipment thereof having been supplied and furnished by and through the State of North Carolina and the county of Greene, the county of Greene being the guarantor of the entire indebtedness therefor incurred, be and it is hereby authorized, empowered and directed to submit to the vote of the electors in said Speights Bridge special tax school district number one, Greene County, the question, "Shall the Speights Bridge special tax school district number one, Greene County, levy a special tax for the payment and discharge of said indebtedness of said special tax school district?" and said board of commissioners shall for at least thirty days preceding said election give notice thereof by publication in one or more newspapers published in said county of Greene.

SEC. 2. That said election shall be held and conducted in the same manner as prescribed by law for the holding of elections for members of the General Assembly: *Provided*, that the said board of commissioners shall order a new registration and appoint a registrar and judges of election; that the vote shall be counted at the close of the polls and returned to the board of commissioners on the second day after the said election; and said board of commissioners shall tabulate and declare the results of said election, all of which shall be recorded in the minutes of the board of commissioners, and no other recording and declaration of result of said election shall be necessary.

Special
tax levy.

Notice of
election.

Manner
of election.

Results.

SEC. 3. That at said election the ballots shall have written or printed upon them the words, "For school building tax" or "Against school building tax." All qualified voters who favor the tax and levy on all properties, real and personal, for the purposes afore set out shall vote "For school building tax." All qualified voters who are opposed thereto shall vote "Against school building tax."

Ballots.

SEC. 4. That in the event that a requisite majority of the qualified electors of said special tax school district shall vote "For school building tax," at said election, the board of commissioners shall, at the time for levying the general county tax, make a levy on all the properties, real and personal, being or situate in said special tax school district not to exceed twenty cents on the one hundred dollars valuation of said property, which tax shall be collected by the sheriff of Greene County or the collector of taxes for said county or school district at the same time and in the same manner as the general county taxes are collected.

"For school building tax."

SEC. 5. That the proceeds from the taxes collected as above set out shall be deposited with the county treasurer as are other county taxes and county funds and shall be paid out on warrant or order of the board of commissioners of Greene County by the said county treasurer in the payment and discharge of said indebtedness.

Proceeds to be deposited.

SEC. 6. That said levy and collection of taxes from all said property shall be in force from the year one thousand nine hundred and twenty-five to and through one thousand nine hundred and forty-four, inclusive, a twenty-year period of taxation: *Provided, however,* if said indebtedness shall be paid off and discharged before the end of said twenty-year period within the rate of taxation hereinbefore authorized, then and in that event the said board of commissioners shall have no further right or authority to levy or cause to be collected any additional tax than required to pay off and discharge said indebtedness in full.

Date of effect of taxes.

SEC. 7. That in computing and ascertaining the exact amount of said indebtedness that may be owing by the said special tax school district, the said board of commissioners shall have authority and power to charge against the principal sum due at any time a rate of interest not exceeding a rate of four and one-half per cent per annum, the rate of interest required to be paid on said indebtedness by the State.

Rate of interest.

SEC. 8. That the said board of commissioners shall have authority and power to charge against the taxes collected under this act any expense or commission incident or chargeable to

Expense, etc.

the collection of the said tax and the payment and discharge of said indebtedness and to receive pay therefor and to issue its warrant or order thereon to be paid by the county treasurer to whomsoever owing.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 340

AN ACT VALIDATING CERTAIN BONDS OF HENDERSON COUNTY, AND HENDERSONVILLE TOWNSHIP, HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Bonds validated.

SECTION 1. The proceedings of the board of county commissioners of Henderson County adopted on the sixteenth day of February one thousand nine hundred and twenty-five, authorizing and selling eighty thousand dollars refunding bonds of the county, and authorizing and selling ten thousand dollars refunding bonds of Hendersonville Township, Henderson County, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 341

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CURRITUCK COUNTY TO LEVY A SPECIAL TAX FOR THE SPECIAL PURPOSE OF PAYING A BALANCE DUE FOR THE CONSTRUCTION OF DIPPING VATS, TO PAY INTEREST ON BONDS ISSUED FOR THAT PURPOSE AND TO CREATE A SINKING FUND FOR THE RETIREMENT OF SAID BONDS AT MATURITY.

Preamble.

Whereas, Currituck County now levies and collects a tax of fifteen cents on the one hundred dollars valuation of property in said county for the purpose of general county expenses, all of which is used for said purposes; and

Whereas, the county of Currituck has caused to be constructed for the purposes of tick eradication about twenty dip-

ping vats under the authority contained in chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-three, at a cost of about twenty thousand dollars, and bonds amounting to about sixteen thousand dollars have been issued to pay the cost of construction; and

Whereas, there are no funds of Currituck County available for the payment of the balance due upon the cost of constructing said vats, to pay interest on said bonds or to create a sinking fund for their retirement at maturity: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Currituck County are hereby authorized to levy for each of the years one thousand nine hundred and twenty-five and one thousand nine hundred and twenty-six a special tax upon the property not exceeding ten cents on the one hundred dollars valuation of property of said county to create a special fund with which to pay the balance due for the cost of constructing said vats, to pay interest on the bonds issued for the purpose of constructing said vats, and to create a sinking fund for the retirement of said bonds at maturity.

Special
tax levy.

SEC. 2. The tax herein authorized shall be levied at the same time and in the same manner as the other county taxes are now or may hereafter be directed to be levied by law and shall be collected in the same manner as the other county taxes, but that the taxes herein authorized are for the special purposes herein enumerated and shall be kept separate and apart from the other taxes.

Levying of
taxes.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 342

AN ACT TO AUTHORIZE WAKE COUNTY TO ISSUE BONDS TO FUND OUTSTANDING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Wake County is hereby authorized to issue bonds of said county in an aggregate principal amount not exceeding two hundred and sixty thousand dollars (\$260,000), for the purpose of funding, refunding or paying outstanding indebtedness of said county incurred for necessary expenses of said county. All such out-

Bond issue
authorized.

- standing indebtedness incurred by said county for said purposes is hereby legalized and validated. Said board of county commissioners is hereby further authorized to levy annually a special tax ad valorem upon all taxable property in said county, for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in amount sufficient for said purpose and shall be in addition to all the other taxes authorized to be levied by said board.
- Ad valorem tax.**
- Form; maturity; payment.** SEC. 2. Said bonds may be issued either all at one time or from time to time in separate issues. Each issue shall mature in annual installments or series, the first of which shall be payable not more than three years after the date of the bonds of such issue, and the last not more than forty years after such date. No such installment or series shall be more than one and one-half times greater in amount than the smallest prior installment or series of the same bond issue.
- Rate of interest.** SEC. 3. Said bonds shall be issued in such denominations, shall bear interest at such rates, not exceeding six per cent per annum, payable semiannually, and shall be made payable at such place or places as said board of county commissioners may determine. They may be either coupon bonds or registered bonds, and if issued in coupon form be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Wake County, and the county seal shall be affixed to the bonds and attested by the clerk of said board; and the coupons of such bonds shall bear a printed or lithographed or engraved facsimile signature of the county treasurer. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid, notwithstanding any change in officers occurring after such signing.
- Form.**
- Sale.** SEC. 4. Said bonds shall be sold in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.
- Proceeds.** SEC. 5. The proceeds of the sale of such bonds shall be placed by the county treasurer in a separate fund and used only for the purpose for which the bonds were issued. The purchaser of the bonds shall not be bound to see to the application of the proceeds.
- Additional powers.** SEC. 6. The powers granted by this act are granted in addition to and not in substitution for existing powers of Wake County, and are not subject to any limitation or restriction contained in any other law.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 343

AN ACT TO AMEND CHAPTER 169, PUBLIC-LOCAL LAWS, SPECIAL SESSION, 1921, KNOWN AS THE PLANNING BOARD BILL, SO AS TO INCLUDE WAYNE COUNTY IN ITS PROVISIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-nine, Public-Local Laws, special session, nineteen hundred and twenty-one, known as the Planning Board Bill, be amended by adding immediately after section twelve of said act the following section: Amendment.

Section 12A. This act shall also apply to Wayne County.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 344

AN ACT TO PROVIDE FOR THE COLLECTION OF THE TRYON GRADED SCHOOL SPECIAL TAX IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the tax collector of Polk County shall collect the Tryon graded school special tax, without charging any commission or fees for said collection. Collection of taxes.

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

SEC. 3. That this act shall apply only to Polk County.

Ratified this the 6th day of March, A.D. 1925. Application of act.

CHAPTER 345

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF IREDELL COUNTY.

Preamble.

Whereas, the duties of the members of the board of commissioners have been greatly increased by the activities of the county in building roads and making other improvements, and pay has not been increased in proportion to the increase of work required by the members: Therefore,

The General Assembly of North Carolina do enact:

Compensation county commissioners.

SECTION 1. That from and after the ratification of this act, each member of the board of county commissioners of Iredell County, except the chairman of said board, shall receive the sum of five dollars (\$5) per day for each day which he is engaged in attending to the business of the county, and shall receive the same mileage as is now provided by law while coming to and going home from a meeting of said board.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 346

AN ACT TO ENLARGE THE POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, AND TO AUTHORIZE THEM TO COOPERATE WITH THE STATE HIGHWAY COMMISSION IN REFERENCE TO ROAD BUILDING IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Necessary expense.

SECTION 1. That since the board of county commissioners of Cumberland County now have full and ample authority to issue the obligations of said county for the necessary expenses of said county, it is hereby declared that lending or advancing money to the State Highway Commission to build roads in Cumberland County, as part of said State highway system, and to cooperate with the said State Highway Commission in building the same upon a share basis or otherwise, is a necessary expense within the meaning of article seven, section seven of the Constitution of North Carolina.

SEC. 2. That the board of county commissioners of Cumberland County is hereby authorized to advance or lend to the State Highway Commission such sums of money, upon such terms as may be agreed upon between the State Highway Commission and the said board of county commissioners of Cumberland County, and to join in the building of any road in Cumberland County with the State Highway Commission, upon a share basis or otherwise, as the board of county commissioners of Cumberland County may deem best, and such contracts, when entered into, shall be binding, effectual and enforceable against the respective parties thereto.

Powers enlarged.

SEC. 3. That this act shall apply to any road within Cumberland County that is now, or may hereafter be, a part of the State highway system.

Application of act.

SEC. 4. That all authority now vested in the board of county commissioners of Cumberland County, by law, general, special, private or private act, with reference to the issuing of bonds for the purpose of building roads, either as county roads or township roads or otherwise, and for the necessary expense connected therewith and for the maintenance of the same, and for the purpose of meeting any necessary expense of the county, is hereby declared to apply to expense of building, laying out, establishing, altering, repairing, grading, constructing and improving any roads within said county of Cumberland which are now, or may hereafter be, a part of the State highway system, in coöperation with or in contract with the State Highway Commission, in any manner set out in such contracts.

Application of authority.

SEC. 5. That any notes, bonds or other obligations that may be issued by the board of county commissioners of said county under authority of this act, and for the purposes provided for in this act, shall not be considered a part of indebtedness of Cumberland County in reckoning any limit or indebtedness of said county.

Not part of indebtedness.

SEC. 6. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 347

AN ACT TO VALIDATE THE NOTARIAL ACT OF H. G. ROWE OF HALIFAX COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Notarial acts validated.

SECTION 1. That all acknowledgments, proofs of execution, oaths or other notarial acts of H. G. Rowe, a notary public of Halifax County, from January first, nineteen hundred and five to January first, nineteen hundred and twenty-five are hereby validated.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 348

AN ACT TO REPEAL CHAPTER 24, PUBLIC-LOCAL LAWS 1924, AND ESTABLISH THE OFFICE OF COUNTY TREASURER OF PERSON COUNTY.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter twenty-four of the Public-Local Laws, extra session of nineteen hundred and twenty-four, be and the same is hereby repealed.

Duty county commissioners.

SEC. 2. That it shall be the duty of the board of commissioners of Person County, at their first meeting after the ratification of this act, to appoint a county treasurer, whose duty it shall be to take over all county funds, all school funds, and all special funds belonging to said county or any township or school district in said county, as now provided by law, and said treasurer shall disburse said funds on orders or vouchers of the proper authorities and said treasurer shall hold said office under said appointment until the next general election is held in North Carolina.

Treasurer to give bond.

That said treasurer shall give bond in such amount as required by the commissioners of said county, and the premium on said bond shall be paid by the commissioners from the general funds of said county.

Election county treasurer.

SEC. 3. That at the next general election held in North Carolina and biennially thereafter, there shall be elected in Person County a county treasurer by the qualified voters of said county.

SEC. 4. That the salary of the treasurer of Person County shall be the sum of five hundred dollars per annum, payable monthly. Compensation treasurer.

SEC. 5. That annually on June thirtieth the commissioners of said county shall have the books of said treasurer audited by some capable accountant, and a report of same shall be submitted to the board of commissioners, and to the grand jury for said county, at the first term of court held after the completion of said audit. Audit books of treasurer.

SEC. 6. That the treasurer shall publish in the local paper a report of the financial condition of the county and of each county fund at the end of each fiscal year. Treasurer's report.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 349

AN ACT TO REGULATE SUNDAY CLOSING IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no person, firm or corporation in Beaufort County shall expose for sale, sell or offer for sale on Sunday any goods, wares, merchandise, cool drinks or other articles, except as herein set out; and no store, shop or other place of business in which goods, wares, merchandise, cool drinks, or other articles of any kind herein prohibited are kept for sale shall keep open doors from twelve o'clock Saturday night until twelve o'clock Sunday night: *Provided*, that this section shall not be construed to apply to hotels or boarding houses, or to restaurants or cafes furnishing meals to actual guests where the same are not otherwise herein prohibited by law from keeping open on Sunday: *Provided further*, that drug stores with licensed pharmacists may be kept open for the sale of goods to be used for medical or surgical purposes and for the sale of cigars and tobacco; and cigar-stands and news-stands may sell cigars, tobacco and newspapers: *Provided further*, that ice dealers and dairies may remain open for the sale and delivery of ice and dairy products. Nothing in this section shall be construed to prohibit garages and gasoline filling stations from operating on Sunday or prohibit the sale of Sale of goods on Sabbath.

newspapers: *Provided*, that all such garages and gasoline filling stations shall close and remain closed during the hours between nine-thirty a.m. to one p.m. on Sundays.

Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 2. The exemption, "This act shall not be construed to apply to hotels, to boarding houses, or to restaurants or cafes, furnishing meals to actual guests," shall not authorize said hotels, boarding houses, restaurants or cafes, to expose for sale, sell or offer for sale or serve with food on Sunday any soft drinks of any kind except coffee, tea or milk.

SEC. 3. That this act shall apply only to Beaufort County; and *provided further*, that it shall not apply to any incorporated town or to any recognized summer resort situated in said county.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 350

AN ACT TO AMEND CHAPTER 366, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1921, PERTAINING TO THE ENFORCEMENT OF THE PROHIBITION LAWS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of said act be and it is hereby amended by striking out said section and inserting in lieu thereof the following: "For every illicit distillery seized and destroyed by the sheriff, constable, rural policeman, or other officer of Polk County, such officer shall receive the sum of ten dollars, which shall be allowed by the commissioners of said county: *Provided*, that said commissioners shall not pay this amount if they are satisfied or have good reasons to believe after due investigation that the seizure of the distillery was not bona fide made.

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.

SEC. 4. That this act shall apply to Polk County only.

Ratified this the 6th day of March, A.D. 1925.

Violation
misdemeanor;
penalty.

Exemptions.

Application
of act.

Amendment.

Conflicting
laws repealed.

CHAPTER 351

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS
OF ROBESON COUNTY TO ISSUE COUNTY HOME BONDS,
AND LEVY A TAX FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Robeson County is hereby authorized to issue county home bonds of the said county to an amount not exceeding one hundred thousand dollars (\$100,000), payable at such time or times not exceeding forty years from their date, and bearing interest at such rate not exceeding five per cent per annum, payable semiannually, as the said board may determine. That said board may sell the said bonds for not less than their par value at public or private sale, with or without previous advertisement, and the proceeds shall be used for the purpose of paying off and funding the indebtedness of said county incurred for the purpose of completing the county home in said county, which said indebtedness is a necessary expense to said county.

Bond issue
authorized.

SEC. 2. That the said bonds shall be in such terms and details as may be determined by the board of county commissioners of Robeson County.

Terms, etc.,
of bonds.

SEC. 3. For the purpose of paying the interest and principal of the said bonds at maturity a sufficient special tax shall be annually levied on all the taxable property in the county and collected in the same manner as other taxes are levied and collected.

Special tax.

SEC. 4. Authority conferred by this act is additional to any authority and independent of the authority and limitations contained in any other act, general or special.

Additional
authority.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect this act.

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 352

AN ACT TO PROVIDE FOR AN ELECTION FOR THE COUNTY OF MADISON TO DETERMINE WHETHER FREE TEXTBOOKS SHALL BE PROVIDED FOR USE IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Election on
question of
free textbooks.

SECTION 1. That at the time and place for holding the next general election in November, one thousand nine hundred and twenty-six, there shall be held in the county of Madison an election for determining whether said county shall provide free textbooks for use in the public schools in said county; that the ballots to be used in said election shall be provided by the county board of elections of Madison County; that in said election the voters who favor free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words, "For free textbooks," and the voters who oppose free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words, "Against free textbooks," and if a majority of those voting in the said county election shall cast their ballots "For free textbooks," the county commissioners of said county shall, at the time and in the manner for levying other taxes, levy on all the real and personal property of said county a tax sufficient for providing textbooks for use in the public schools of said county, and it shall be the duty of the public school authorities of said county to purchase books for the use of the pupils in the public schools of said county and loan said books to said pupils without charge, in accordance with section three hundred and forty of article thirty-two of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, which chapter is the codification of the public school laws of North Carolina.

Ballots.

Special tax.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 353

AN ACT TO ANNEX BROAD RIVER TOWNSHIP OF McDOWELL COUNTY TO BUNCOMBE COUNTY.

Whereas, two hundred and thirty out of a total vote of two hundred and forty voters in Broad River Township of McDowell County have expressed their desire in writing that the said Broad River Township be added to, and become a part of, Buncombe County for the reason that said township is isolated geographically from McDowell County, and that all their social and business relations are with the people of Buncombe County; and

Preamble.

Whereas, the public officials of McDowell County and Buncombe County have mutually agreed that the said Broad River Township of McDowell County logically and geographically should be a part of Buncombe County and that the best interest and public welfare of the citizens of said township would be promoted and conserved by the annexing said township to Buncombe County: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between McDowell County, North Carolina, and Buncombe County, North Carolina, be and the same is hereby changed and relocated so as to divest McDowell County of all the territory now and heretofore embraced in the bounds of Broad River Township, McDowell County, North Carolina, and vest and include all of the said territory in Buncombe County, North Carolina, and the said territory shall become and be a part of Buncombe County.

Boundary lines changed.

SEC. 2. That Buncombe County, North Carolina, shall bear its proportionate part of the public debt of McDowell County outstanding on the first day of March, one thousand nine hundred and twenty-five, and the proper levying officers of Buncombe County, North Carolina, shall on the first day of May, one thousand nine hundred and twenty-five, proceed, according to law, to levy taxes to pay the same as it shall become due and payable and the tax collector of Buncombe County shall collect the same each and every year until the proportionate part of said public debt shall have been paid in full.

Public debt.

Taxes.

SEC. 3. That J. W. Winborne of McDowell County, David M. Buck of Yancey County, and Burgin Pennell of Buncombe County, be and they are hereby appointed commissioners to run and locate the dividing line between McDowell County and the said Broad River Township sometime before April the

Commissioners appointed.

fifteenth, one thousand nine hundred and twenty-five, and the said commissioners herein provided for shall proceed to select a competent surveyor, or surveyors, and, being sworn, they shall survey and mark the line between McDowell County and the said Broad River Township and shall make a report in writing under their hands and seals, or the hands and seals of any two of them, representing opposite sides of said dividing line to the board of commissioners of each of said counties, which report shall be spread upon the records of each of said boards as a part of their record. The said commissioners shall furnish the said board of commissioners of each of said counties with a map of their survey. Said commissioners who survey said line shall have power to employ such persons as may be necessary for making said survey, and said commissioners and their helpers shall be allowed reasonable compensation for their services, to be allowed by the board of commissioners of Buncombe County.

Survey.

Public
accountant.

SEC. 4. That the said commissioners mentioned in section three of this act are hereby authorized and empowered to select and employ a competent certified public accountant, to determine from the public record of McDowell County the public debt of said county and the proportionate part of said public debt that shall be assumed and paid by Buncombe County, and the said certified public accountant shall make a report, under his hand and seal, of the public debt of McDowell County to the board of commissioners of said McDowell County and Buncombe County, and said public accountant shall be allowed reasonable compensation for his said services. The said report of said certified public accountant shall specifically show the proportionate part of said public debt of McDowell County to be assumed by Buncombe County, which report shall be spread upon the record of each of said boards as a part of their records.

Special tax
district.

SEC. 5. That the said Broad River Township is hereby created a special tax district and the board of commissioners of Buncombe County be and they are hereby authorized and empowered, if requested in writing duly filed with said board of commissioners by a majority of the qualified voters of said township in said county, and if in their judgment it may be necessary, to issue and sell the bonds of said township for the rebuilding, grading, improving the public roads of said township. The said bonds shall be signed by the chairman of the said board of commissioners of Buncombe County and attested by the clerk of said board and shall bear the county seal of said county. The said bonds shall state upon their

face the name of the township they are issued for and the purchase price of said bonds shall be paid to the treasurer of Buncombe County, to be disbursed by the said board of commissioners of Buncombe County.

SEC. 6. That for the purpose of paying the interest upon the said bonds as it becomes due and also for the purpose of paying the principal of said bonds as it becomes due and maintaining said roads when built and repaired, the board of commissioners of said Buncombe County are authorized and empowered to levy annually a special tax upon all the property located within the said Broad River Township for which said bonds are to be issued, which said tax shall be collected by the tax collector of said Buncombe County and paid over by him to the treasurer of Buncombe County for the purpose herein provided for; the total tax levied, however, shall not exceed thirty-three cents on the one hundred dollars valuation of property. Special tax.

SEC. 7. That all civil and criminal cases now pending in the Superior Court of McDowell County, or in any other courts held in the said county of McDowell which would have been properly tryable in the county of Buncombe, if the said Broad River Township had been a part of Buncombe County at the time said clause was instituted, or the right of action therein accrued, or where the criminal offense charged was committed in the territory of said Broad River Township, shall upon motion of any defendant, in any criminal cases pending, or upon motion of any party in civil causes, be transferred to the Superior or other proper court of Buncombe County. Such motion for removal shall be made on the first day of court, when such cases would be tried. It shall be the duty of the clerk of the Superior Court of McDowell County to transmit the original papers in all such cases removed, together with a proper record of all such causes removed, to the clerk of the Superior Court of Buncombe County. All actions, causes or proceedings, matters and things pending before the clerk of the Superior Court of McDowell County, which shall have been within the jurisdiction of the clerk of the Superior Court of Buncombe County, had the said Broad River Township been a part of Buncombe County at the time said cause, proceeding, matter or thing was begun, or the right therein accrued, shall upon motion of any party thereto or interested therein be transferred to Buncombe County and the jurisdiction of the clerk of the Superior Court of said county to be heard, determined, or proceeded with before him in all respects as if the said cause, matter or proceeding had originally been Pending cases.

begun in the said county of Buncombe. Upon such removal, it shall be the duty of the clerk of the Superior Court of McDowell County from which the removal is made to transmit to the clerk of the Superior Court of the county of Buncombe the original papers in such cause, matter of proceeding, together with the proper record thereof.

Collection
of taxes.

SEC. 8. That all the one thousand nine hundred and twenty-four taxes due from the people and property of Broad River Township shall be collected and retained by McDowell County.

Conflicting
laws repealed.

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 and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 354

AN ACT TO AUTHORIZE THE ISSUANCE OF COUPON BONDS OF HALIFAX COUNTY IN EXCHANGE FOR OUTSTANDING REGISTERED BONDS.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of commissioners of Halifax County is hereby authorized to issue coupon bonds of said county in exchange for and in lieu of any registered bonds of said county now outstanding, upon surrender of the registered bonds: *Provided*, such exchange is made within three months after the ratification of this act. Said new coupon bonds shall be of the same form and tenor as the registered bonds received in exchange therefor, except that they shall be payable to bearer (unless registered as provided therein) and shall have coupons attached for the interest to become due thereon, and shall indicate on their face that they are issued under this act in exchange for registered bonds, and shall be dated either as of the date of said registered bonds or as of the date on which interest on the registered bonds was last payable prior to such exchange. They shall be executed in the same manner as the registered bonds received in exchange therefor, and by the same officers who executed said registered bonds, or by the successors of said officers if the same persons are no longer such officers. All provisions made by statute or otherwise for the payment of said registered bonds shall apply to said new coupon bonds.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 355

AN ACT TO ALLOW THAT RACE OF PEOPLE IN GASTON TOWNSHIP, NORTHAMPTON COUNTY, KNOWN AND DESIGNATED AS "PORTUGUESE" TO REGISTER UPON THE REGISTRATION BOOKS UNDER A SEPARATE PAGE OR PAGES TO BE DESIGNATED BY THE REGISTRAR AS "PORTUGUESE."

The General Assembly of North Carolina do enact:

SECTION 1. That the qualified voters of that race of citizens in Gaston Township, Northampton County, shall be allowed to register upon the registration books of said township and county under the designation of "Portuguese."

"Portuguese."

SEC. 2. At every new registration in said township, the registrar of said township is hereby directed to allow the qualified voters of said race of people known as "Portuguese" to register on a separate page or pages of the registration book, said page to be designated as "Portuguese."

Registration.

SEC. 3. This act shall not be retroactive but shall only apply to registrations which may be had according to law in the future.

Application of act.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 356

AN ACT TO AID ROAD BUILDING IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any Federal or State funds may be available for use in Stanly County in aid of road or highway construction, maintenance or repair, the board of road commissioners of said county is hereby authorized and empowered to appropriate from the funds later herein authorized

Road commissioners given authority.

such sums as may be necessary to secure for the county of Stanly the benefits of said Federal or State funds, and to do and perform any and all things necessary to be done to secure Stanly County's apportionment of Federal and State aid funds. Said board is further authorized and empowered to act with the State Highway Commission or other authorities of the State, and also to act with any authorities of the Federal Government in building, improving or maintaining the public roads, highways and bridges of Stanly County.

SEC. 2. That for the purpose specified in section one of this act, the board of road commissioners of Stanly County are hereby authorized and empowered to issue and sell bonds of Stanly County to an amount not exceeding one hundred thousand dollars, bearing interest at a rate not exceeding six per centum per annum, payable semiannually, which bonds shall be known as "Road Aid and Bridge Bonds," shall mature at such time or times, not exceeding twenty years from their date, shall be payable in such medium and at such place or places within or without the State of North Carolina and shall be in such form as said board shall by resolution prescribe, and shall be executed in the name of Stanly County by the chairman of the board of road commissioners of said county and sealed with the seal of said board, attested by the secretary thereof, and also sealed with the seal of the county, attested by the register of deeds, who is hereby authorized and required to affix said seal and attest the same whenever he shall be requested to do so by the said board of road commissioners.

Bond issue
authorized.

Sale of bonds.

SEC. 3. Said bonds, if issued, shall be sold publicly and the proceeds used only for the purposes specified in this act.

Resolution to
be filed.

SEC. 4. That whenever the board of road commissioners of Stanly County shall authorize the issuance of any of said bonds, a copy of the authorizing resolution shall be filed with the register of deeds, and the board of county commissioners of Stanly County shall thereafter annually levy and collect a tax on all taxable property in said county sufficient to pay the interest on said bonds, and the principal thereof, as the same may become due.

Additional
powers.

SEC. 5. That the powers granted by this act are granted in addition to and not in substitution for existing powers of the board of road commissioners of Stanly County. Nothing herein shall prevent the board of road commissioners of Stanly County from issuing bonds under any existing act as well as under this act.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 357

AN ACT TO RATIFY PROCEEDINGS ESTABLISHING PANTEGO RUN DISTRICT, BEAUFORT COUNTY DRAINAGE DISTRICT NO. 14.

The General Assembly of North Carolina do enact:

SECTION 1. That special proceeding instituted in the Superior Court of Beaufort County, North Carolina, entitled "Albemarle Farms Company et al. against J. P. Andre Mottu et al." establishing Pantego run district, Beaufort County drainage district number fourteen, and all proceedings had thereunder, including supplemental petition, consent order signed by clerk of the Superior Court of Beaufort County, final report of viewers dated January third, one thousand nine hundred and twenty-five, and final decree signed by said clerk dated January twenty-third, one thousand nine hundred and twenty-five, are hereby ratified and confirmed.

Special proceedings ratified.

SEC. 2. The election and appointment of J. M. Benson, P. H. Johnson and N. B. Mariner as board of drainage commissioners of said drainage district is hereby ratified and confirmed.

Election ratified.

SEC. 3. That said district is hereby declared established, and that drainage bonds in the aggregate sum of eighteen thousand dollars as advertised by the said drainage district for the construction and maintenance of the said drainage district, may be sold at public or private sale for par and accrued interest (not exceeding six per cent) and shall be a binding and valid obligation upon the lands within the boundaries of the said drainage district and a first lien thereon.

Drainage bonds.

Sale.

SEC. 4. That this act shall become effective from and after its passage.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 358

AN ACT TO REQUIRE THE BOARD OF ELECTIONS IN
RANDOLPH COUNTY TO PROVIDE OFFICIAL BALLOTS
FOR EACH POLITICAL PARTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on or before the first day of October next preceding each general election the chairman of the executive committee of each political party in Randolph County as political party is defined in the general election law shall certify to the chairman of the board of elections of said county a list of candidates of such party for members of the General Assembly and county officers; and it shall be the duty of the said county board of elections to prepare and distribute tickets for each of said parties in the same manner and under the same conditions as is provided by law for those counties nominating candidates under the state-wide primary law.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 359

AN ACT TO REPEAL SECTION 7, CHAPTER 271, PUBLIC-
LOCAL LAWS, 1923, RELATING TO THE WORKING OF
CONVICTS ON A ROAD IN MADISON COUNTY, WHICH
HAS NOW BECOME A PART OF THE STATE HIGHWAY
SYSTEM, AND TO PROVIDE FOR THE REIMBURSEMENT
OF THE GENERAL FUND OF THE STATE FOR THE
EXPENDITURES MADE UNDER THIS ACT FOR THE
BENEFIT OF THE HIGHWAY FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter two seventy-one, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended and reenacted so as hereafter to read as follows: "That from and after March first, one thousand nine hundred twenty-five, the State Highway Commission shall complete the old stage road through Madison County, along the French Broad River, including the link between Ivy Creek and the Buncombe County line, which has already become a part of the State highway number twenty, and the use of the convicts of the State's Prison Department

Official
ballots
required.

Section
amended
relating to
highways in
Madison County.

shall continue. Until the completion of the said road from and after March first, one thousand nine hundred twenty-five, out of construction funds belonging to the State Highway Commission, there shall be paid to the State Prison Department for the use of such convicts such prices as now or may hereafter prevail for free labor for such work. And the superintendent of the State's Prison Department and the chairman of the Highway Commission shall make such agreement in regard thereto as may appear to them just and fair to make effectual the purpose of this act.

SEC. 2. Nothing herein shall relate to or affect what has been done pursuant to section seven, chapter two seventy-one, Public-Local Laws, one thousand nine hundred twenty-three, prior to the first day of March, one thousand nine hundred twenty-five. Not to affect sections.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 360

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF ALAMANCE COUNTY TO OPERATE SCHOOL TRUCKS WITHOUT PERSONAL LIABILITY FOR INJURIES OR DAMAGES TO PERSONS OR PROPERTIES, AND VALIDATING PRIOR ACTIONS OF THE SAID BOARD IN OPERATING SAID TRUCKS.

Whereas, pursuant to the provisions of the public school law, the board of education of Alamance County is authorized to operate school trucks for the transportation of children to and from the various public schools of the said county, which said action on the part of said board of education is deemed a part of its governmental functions; and Preamble.

Whereas, the said board of education is in no way liable in its official capacity for injury or damage done to persons or property in the performance of its said governmental duties; and

Whereas, the operation of the said trucks for the transportation of school children to and from the said public schools is necessary and proper: Now, therefore,

The General Assembly of North Carolina do enact:

Operation, etc.,
of trucks
for transportation
school children.

SECTION 1. That the board of education of Alamance County is hereby authorized and empowered to purchase, own and operate trucks for the transportation of the school children to and from the various public schools conducted by said board in Alamance County, when, within the discretion of the said board of education, taking into consideration the location of the school and the district or territory served thereby, the operation of such truck or trucks is necessary.

No personal
liability.

SEC. 2. There shall be no personal liability on the part of any member of the said board of education of Alamance County, or any other county officer, growing out of his or their official acts in the operation of the said public school trucks, to any person, firm or corporation for personal or property damage resulting from the operation of the said trucks, or to any person accepting the benefits of the said trucks riding thereon as a passenger or passengers.

Actions
validated.

SEC. 3. All actions of the said board of education of Alamance County heretofore taken in the operation of said public school trucks, and in securing and carrying indemnity insurance against accidents caused by the said trucks, are hereby ratified and validated.

Conflicting laws
repealed.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A.D. 1925.

CHAPTER 361

AN ACT RELATING TO THE ADVERTISING OF REAL ESTATE IN WARREN AND HALIFAX COUNTIES.

The General Assembly of North Carolina do enact:

Advertisement
of real estate.

SECTION 1. In the township of Littleton, Halifax County, North Carolina, lands may be advertised in any newspaper published in the corporate limits of the town of Littleton whether or not said newspaper is published in Halifax or Warren counties.

Application
of act.

SEC. 2. This act shall embrace sales of land by deeds of trust, mortgages, and judicial.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 362

AN ACT TO PREVENT THE DUMPING OF SAWDUST IN THE STREAMS OF CLAY, CHEROKEE, GRAHAM, MACON, SURRY, AND SWAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation, their agents or employees, to dump sawdust in or near any stream, branch or river. Unlawful dump sawdust.

SEC. 2. Any person, firm or corporation or the agent of such person, firm or corporation or employee thereof who violates the provisions of this act shall be guilty of a misdemeanor. Violation misdemeanor.

SEC. 3. That each day in which the provisions of this act are violated, whether for the entire day or a portion thereof, shall be and such is hereby made a separate and distinct offense and any one violating the provisions of this act may be indicted and punished for each and every day in which such violations occur and a bill of indictment may be sent for each separate day or the bill of indictment may include a separate count for each day. Punishment.

SEC. 4. That this act shall apply only to the counties of Clay, Cherokee, Graham, Macon, Surry and Swain. Application of act.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 363

AN ACT TO PROTECT GAME IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the close season for hunting squirrels and wild turkey in Sampson County shall be from the first day of March to the first day of October. Close season.

SEC. 2. That it shall be unlawful for any person to shoot, kill, hunt, or trap any game mentioned in section one of this act during the close season as therein designated. Any person violating the provisions of this action shall be guilty of a misdemeanor, and shall, for each offense, be fined not more than fifty dollars or imprisoned not more than thirty days. Unlawful; violation misdemeanor; penalty.

SEC. 3. That chapter five hundred and twenty-one of the Private Laws of the regular session of the General Assembly, nineteen hundred and twenty-three, in so far as it relates to Chapter repealed.

the hunting of squirrel and wild turkey in Sampson County, and all other laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 364

AN ACT TO VALIDATE THE ACTS OF A. C. BLAKE, A JUSTICE OF THE PEACE IN BURGAW TOWNSHIP, PENDER COUNTY.

The General Assembly of North Carolina do enact:

Acts validated.

SECTION 1. That the official acts performed by A. C. Blake as a justice of the peace in Burgaw Township, Pender County, between March fifteenth, one thousand nine hundred and twenty-one, and February fifteenth, one thousand nine hundred and twenty-five, are in all respects hereby legalized and validated.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 365

AN ACT TO PROVIDE FOR MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Meetings
county
commissioners.

SECTION 1. That the board of county commissioners of Jackson County may meet as often as they may deem wise and necessary for the transaction of the business of the county and shall receive the per diem compensation and mileage now allowed for attending regular meetings.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 366

AN ACT TO PROVIDE FOR CONTINUOUS SERVICE OF
GRAND JURIES IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the first fall term of the criminal court held for the county of Edgecombe, a grand jury shall be drawn, the first nine of whom shall serve for twelve months and the second nine shall serve until the first spring term of the criminal court for Edgecombe County. Term grand jury.

SEC. 2. That beginning with the first spring term of criminal court in the year one thousand nine hundred and twenty-six, and thereafter at the first criminal court of each fall term and each spring term, nine grand jurors shall be drawn, who shall serve for a period of one year. Term grand jury.

SEC. 3. That the presiding judge shall charge the said grand jury as provided by law, and said grand jury shall meet at each criminal term of court held in the county of Edgecombe. Charge of grand jury.

SEC. 4. That the judge of the Superior Court presiding over the courts of Edgecombe County may at any time discharge said grand jury from further service, and may cause a new grand jury to be drawn, which shall serve during the remainder of the term of such grand jury, the first nine whereof who may be drawn to serve the longest unexpired term, and the second nine whereof to serve the shortest unexpired term. Discharge of juror.

SEC. 5. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and twenty-five. Date of effect.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 367

AN ACT TO EMPOWER THE BOARDS OF COUNTY COMMISSIONERS OF DAVIDSON AND DAVIE COUNTIES TO ISSUE SHORT-TERM NOTES OR BONDS NOT EXCEEDING \$200,000 FOR THE PURPOSE OF BUILDING A BRIDGE ACROSS THE YADKIN RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the boards of county commissioners of Davidson and Davie counties are hereby authorized and empowered Bond issue authorized.

- Purpose. to issue short-term notes or bonds in an amount not to exceed two hundred thousand dollars in proportion to the number of taxable polls in each county and the proceeds of the sale of said short-term notes or bonds shall be advanced by the boards of county commissioners in the form of a loan to the State Highway Commission for the purpose of building a bridge across the Yadkin River by the said State Highway Commission at such location and of such type as said State Highway Commission may approve in connection with State highway route number seventy-five connecting the county seats of Lexington and Mocksville. Said funds shall be a loan to the said State Highway Commission to be repaid without interest out of moneys allocated by said State Highway Commission to said counties. Said State Highway Commission is hereby authorized and directed to cause said bridge to be constructed pursuant to the provisions of this act.
- Construction of bridge.
- 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.
- Conflicting laws repealed.
- Ratified this the 6th day of March, A.D. 1925.

CHAPTER 368

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY TO ISSUE BONDS TO FUND FLOATING INDEBTEDNESS.

Whereas, the treasurer and sheriff of Washington County had certain county funds on deposit in the United Commercial Bank of Plymouth, N. C., aggregating approximately thirty-five thousand dollars; and

Whereas, said bank has become insolvent and is now being liquidated which will take considerable time; and

Whereas, the county is in urgent need of funds to meet obligations created for necessary expenses:

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of Washington County are hereby authorized to issue and sell bonds of the county to an aggregate principal amount not exceeding thirty-five thousand dollars, for the purpose of funding floating indebtedness of the county incurred for the necessary expenses thereof. Such bonds shall be in the denominations of one thousand dollars each, and shall be in such form and tenor,

Preamble.

Bond issue authorized.

and shall bear such rate of interest, not exceeding six per cent, and run for such time or times, not exceeding twenty years from their date, but may be optional after one or more years from their date and callable at any semiannual interest period by publication, and be sold in such manner and on such terms as the said board of commissioners may determine, and shall be signed by the chairman and clerk of the said board of commissioners.

Denominations;
form; rate of
interest; sale.

SEC. 2. In order to pay the interest on the said bonds and to create a sinking fund to pay them at maturity, the said board of commissioners shall annually, at the time of levying other taxes, levy a sufficient special tax on all the taxable property in the county.

Special tax.

SEC. 3. The powers hereby conferred are additional to any other powers conferred by and are not affected by any limitation imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.

Additional
powers.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A.D. 1925.

CHAPTER 369

AN ACT TO PROTECT FOXES IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to shoot, trap, kill or in any manner destroy foxes in the county of Warren except by chasing them with dog or dogs, unless such foxes are injuring or destroying one's property.

Unlawful destroy
foxes.

SEC. 2. That the open season for hunting foxes shall be from the first day of October to the first day of March.

Open season.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten dollars nor more than fifty dollars in the discretion of the court.

Violation
misdemeanor;
penalty.

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

Conflicting laws
repealed.

SEC. 5. That this act shall apply only to Warren County.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 370

AN ACT TO AMEND CHAPTER 602 OF THE PUBLIC-LOCAL LAWS OF 1923, THE SAME BEING AN ACT TO CREATE A RECORDER'S COURT IN HARNETT COUNTY AND TO DEFINE THE JURISDICTION THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine (9) of said act be stricken out and the following inserted in lieu thereof: That the commissioners of Harnett County shall, on the first Monday in July, one thousand nine hundred and twenty-five, or as soon thereafter as is convenient, appoint some practicing attorney in Harnett County to act as solicitor of said court, and shall, on the first Monday in December after each general election, appoint a successor to said solicitor; and such solicitor shall receive as compensation for such services the sum of not more than seventy-five dollars per month, to be paid out of the general county funds by the said commissioners: *Provided*, that the said solicitor shall serve during the will and pleasure of the said county commissioners, and they are hereby empowered to discontinue the services of any solicitor appointed under this section at any time and appoint a successor.

Amendment.

Compensation
solicitor.

Proviso.

Solicitor's
fee.

There shall be taxed by the clerk of said court in each bill of cost against every defendant convicted in said court a solicitor's fee of five dollars (\$5), which said fee shall be collected by the said clerk and turned over to the proper officials of the county of Harnett to be placed in the general county fund.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 371

AN ACT RELATING TO AGRICULTURAL SOCIETIES AND FAIRS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Agricultural
societies.

SECTION 1. Neither the existence of the Albemarle agricultural and fish association nor its successors nor assigns nor anything in section four thousand nine hundred and forty-nine, Consolidated Statutes, shall be construed to prevent any agricultural

society or fair located in Chowan County from participating in appropriations now or hereafter made for agricultural societies or fairs.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this the 6th day of March, A.D. 1925.

CHAPTER 372

AN ACT TO REGULATE TRAPPING IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to set or cause to be set any traps or snares, usually used for the purpose of catching game and wild animals, upon any land not owned or leased by the person, firm or corporation so setting said traps or snares, unless permission in writing shall first be obtained from the owner or lessee of said lands.

Unlawful catch game without permit.

SEC. 2. That before setting any traps or snares upon any land the person, firm or corporation so setting, causing to be set or giving permission to another to set traps or snares shall first post a notice or notices along the boundaries of said land at points not exceeding two hundred yards apart, and said notices shall set forth in large type or print the fact that traps or snares are being set upon the lands for the person, firm or corporation owning the lands.

Notices posted.

SEC. 3. That any person violating the provisions of this act shall be guilty of a misdemeanor and punished by a fine not exceeding fifty dollars, or imprisoned not exceeding thirty days in jail.

Violation misdemeanor; penalty.

SEC. 4. That this act shall apply to Halifax County only.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 373

AN ACT TO REGULATE PEDDLING IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall engage in the business of peddling, as defined, limited and excepted in Consolidated

License tax for peddlers.

Statutes of one thousand nine hundred and nineteen, section seven thousand eight hundred and twenty, within the limits of Montgomery County, whether on foot, with horse, ox, or mule, with or without vehicle, or with a vehicle propelled by any other power, shall pay a license tax of two hundred dollars per annum.

Application
of act.

SEC. 2. This act shall not apply to the sale of fruits, vegetable and country produce, and products of the farmers' orchards.

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 force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 374

AN ACT MAKING IT THE DUTY OF CERTAIN LAND-OWNERS ALONG MAIDEN AND ALLEN CREEKS NEAR THE TOWN OF MAIDEN IN CATAWBA COUNTY TO KEEP SAID CREEKS FREE FROM OBSTRUCTIONS.

The General Assembly of North Carolina do enact:

Duty
landowners.

SECTION 1. That it shall be the duty of the owners of land facing or abutting on Maiden and Allen creeks near the town of Maiden in Catawba County who own land extending from and through the lands belonging to Abernathy's Cotton Mill (formerly called the Providence Cotton Mill and belonging to the Providence Cotton Mill) to the Carolina Northwestern Railway trestle to keep said creeks free from logs, timber, sprouts, brush, rock and as near as possible sand and similar obstructions in order that the stream flow may be as unimpeded as possible and that the banks of said streams may be cut deeper in order to drain adjacent lands.

And keep all trees, sprouts, briars, weeds, brush and growth of every kind, except growing crops, cut and removed from the banks of the said streams.

Failure
misdemeanor.

Failure on the part of said landowners to clear that part of the streams flowing opposite their land to the center of said stream at least once a year not later than the last week in August shall be prima facie evidence of a violation of this act.

Use of
dynamite.

SEC. 2. Any or all of the landowners owning land described in section one shall have the right and it shall be lawful for one or all of them to use dynamite if necessary, in order to

blast any shoals that may be in the streams described in section one.

SEC. 3. That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed fifty dollars in the discretion of the court.

Violation;
penalty.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 375

AN ACT TO PROMOTE HOG RAISING IN GRANVILLE AND NORTHAMPTON COUNTIES BY PREVENTING SPREAD OF CHOLERA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to import into Granville and Northampton counties any hog or hogs without first having said hogs treated for hog cholera by an application of serum under the supervision or provisions prescribed by the State Veterinarian according to the Consolidated Statutes of North Carolina, section four thousand eight hundred and eighty-one.

Treatment
of hogs.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

Violation
misdemeanor;
penalty.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 376

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF ROBESON COUNTY TO ISSUE FUNDING BONDS FOR THE PURPOSE OF FUNDING THE SCHOOL DEBT OF SAID COUNTY, AND TO LEVY A TAX FOR PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. The board of county commissioners of Robeson County are hereby authorized to issue funding bonds to an amount not exceeding fifty thousand dollars (\$50,000), payable at such time or times not exceeding forty years from their date and bearing interest at a rate to be fixed by the board of county commissioners, not exceeding five per cent per annum, payable semiannually, as the said board may determine. That said board shall sell the said bonds for not less than their par value at public or private sale, with or without previous advertisement, and the proceeds shall be used for the purpose of paying off and funding the indebtedness of said county incurred for school purposes and providing school facilities for the purpose of maintaining a six-months school term in all districts of said county, which said indebtedness is a necessary expense to said county.

Terms, etc.

SEC. 2. That the said bonds shall be in such terms and details as may be determined by the board of county commissioners of Robeson County.

Special tax.

SEC. 3. For the purpose of paying the interest and principal of said bonds at maturity, a sufficient special tax shall be annually levied on all the taxable property in the county and collected in the same manner as other taxes are levied and collected.

Additional
authority.

SEC. 4. The authority conferred by this act is additional and independent of the authority and limitations incurred in any other act, general or special.

Conflicting
laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect this act.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 377

AN ACT TO CHANGE THE NUMBER OF MEMBERS OF BOARD OF EDUCATION OF BEAUFORT COUNTY FROM 3 TO 5, AND TO FIX COMPENSATION OF SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Beaufort County be and the same is hereby abolished. Board of education. abolished.

SEC. 2. That a board of education of Beaufort County be and the same is hereby established and shall consist of five members, one to be appointed for a term of six years, two for a term of four years, and two for a term of two years. Board established.

SEC. 3. That J. B. Sparrow be and he is hereby appointed chairman of said board and shall serve for a term of six years; that W. W. Hooker and T. R. Tyer be and they are hereby appointed members of said board and shall serve for a term of four years; that W. J. Justus and H. C. Burgaw be and they are hereby appointed members of said board and shall serve for a period of two years. Chairman and members appointed.

SEC. 4. That members of said board shall be duly appointed in regular order at the expiration of their respective terms. At expiration of terms.

SEC. 5. That each member shall receive five dollars (\$5) per day and five cents (5c) per mile each way for the time of actual services on said board. Compensation.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 378

AN ACT TO PROHIBIT THE COUNTY BOARD OF EDUCATION OR THE BOARD OF COUNTY COMMISSIONERS OF PAMLICO COUNTY PLEDGING THE CREDIT OF SAID COUNTY OR ISSUING BONDS OF SAID COUNTY WITHOUT FIRST SUBMITTING THE QUESTION TO THE QUALIFIED VOTERS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the county board of education or the board of county commissioners of Pamlico County to pledge the credit or issue bonds whereby the credit Issuance of bonds to be submitted to voters.

of said county is pledged for any purpose other than to pay the existing floating indebtedness of said county heretofore incurred for necessary expenses of said county without first submitting the question of pledging the credit and issuing of such bonds to the qualified voters of said county.

Special
election.

SEC. 2. If a resolution of said board of county commissioners or said board of education provides for the issuance of bonds or pledging of the county's credit for other purposes than mentioned in section one, the governing body may call a special election for that purpose, but no such special election shall be held within one month before or after a regular election.

New
registration.

SEC. 3. The said board of commissioners in their discretion may order a new registration of the voters for such election. The books for such new registration shall remain open in each precinct from nine a.m. to six p.m. on each day except Sundays and holidays for three weeks beginning on a Monday morning and ending on the second Saturday evening before the election. A registrar and two judges of election shall be appointed by the board of commissioners for each precinct: *Provided*, that the books shall be open at the polling places on each Saturday during the registration period. Sufficient notice shall be deemed to have been given of such new registration and of the appointment of election officers if a notice thereof be published at least thirty days before the closing of the registration books stating the hours and days for registration. It shall not be necessary to specify in said notice the places for registration. In case a registrar shall fail or refuse for any cause to perform his duties, it shall be lawful for the clerk of said board of commissioners to appoint another person to perform such duties, and no notice of such appointment shall be necessary.

Proviso.

Notice.

Statement
of notice.

SEC. 4. A notice of the election shall be deemed sufficiently published if published once not later than twenty days before the election. Such notice shall state the maximum amount of the proposed bonds and the purpose thereof, and the fact that a tax will be levied for the payment thereof. The date of the election shall be stated therein.

Ballots.

SEC. 5. A ballot or ballots shall be furnished to each qualified voter at said election, which ballots may contain the words "For the resolution authorizing.....dollars bonds (briefly stating the purpose) and a tax therefor," and "Against the resolution authorizing.....dollars bonds (briefly stating the purpose) and a tax therefor," and if one ballot contains two alternatives it may contain squares in one of which the voter may make an (X) mark, but this form of ballot is not prescribed.

SEC. 6. The officers appointed to hold the election in making return of the result thereof shall incorporate therein not only the number of votes cast for and against each resolution submitted, but also the number of voters registered and qualified to vote in the election. The board of commissioners of the county shall canvass the returns, and shall include in their canvass the votes cast and the number of voters registered and qualified to vote in the election and shall judicially determine and declare the results of the election.

Canvass
of returns.

SEC. 7. The said board of commissioners shall prepare a statement showing the number of votes cast for and against each resolution submitted and the number of voters qualified to vote in the election and declaring the result of the election, which statement shall be signed by a majority of the members of the board canvassing the returns and delivered to the clerk of such board who shall record it in the record book containing the minutes of such board and file the original in his office: *Provided*, that no resolution shall be deemed carried unless by a majority of the qualified voters.

Statement of
commissioners.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 9. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 379

AN ACT TO ALLOW THE SHERIFF OF CASWELL COUNTY \$300 FOR CLERK HIRE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Caswell County be and they are hereby authorized to pay the sheriff three hundred dollars per annum for clerk hire to be paid in monthly installments by the said commissioners out of the general county fund.

Clerk hire.

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

SEC. 3. That this act shall be in force and effect from and after the first Monday in April, one thousand nine hundred and twenty-five.

Conflicting
laws repealed.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 380

AN ACT TO PROVIDE FOR THE PAYMENT OF CERTAIN EXPENSES INCURRED BY THE SHERIFF OF ROBESON COUNTY IN THE PERFORMANCE OF HIS OFFICIAL DUTIES.

Preamble.

Whereas, the sheriff of Robeson County receives the salary of three thousand dollars per annum, but no provision is made for the payment of his actual expenses incurred by him in traveling over the county in the performance of his official duties; and

Whereas, the expenses so incurred by the sheriff in the performance of his public duties, such as automobile upkeep, gasoline and sundry traveling expenses are burdensome and it is unreasonable that the sheriff should furnish his own automobile, and in addition thereto pay for its upkeep and his other expenses incurred in the performance of his official duties, and in enforcing the law; and

Whereas, seventy-five dollars per month represents a minimum expense thus incurred by the sheriff: Now, therefore,

The General Assembly of North Carolina do enact:

Expenses of sheriff.

SECTION 1. That the board of county commissioners of Robeson County is hereby authorized and directed to pay to the sheriff of Robeson County the sum of seventy-five dollars per month, to defray automobile repairs, gasoline, traveling expense in the county and sundry other miscellaneous expenses not otherwise provided for by law.

Application of act.

SEC. 2. That nothing herein contained shall be construed as relieving the said board of county commissioners from the payment of office expense and equipment or any other expenses now required by law to be paid for the sheriff's office.

Conflicting laws repealed.

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

Date of effect.

SEC. 4. That this act shall be in force and effect from and after March first, one thousand nine hundred and twenty-five.

Ratified this the 6th day of March, A D. 1925.

CHAPTER 381

AN ACT TO PROVIDE FOR A JURY SERVICE OF TWO SUCCESSIVE TERMS OF COURT IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the June term of court for the county of Pender grand juries shall be drawn as provided by law and the first nine members so drawn shall serve for a period of two successive terms of court and the grand juries shall be so arranged that thereafter each nine members of the jury shall serve for two successive terms of court. After said grand juries are drawn the judge shall charge them as provided by law: *Provided*, that at any time the judge of the Superior Court presiding over either the civil or criminal court of Pender County may call said grand jury to assemble and may deliver unto said grand jury an additional charge, or the foreman of said grand jury may at any time call said grand jury together for the performance of their duties: *Provided further*, that the judge of the Superior Court presiding over either the civil or criminal court of Pender County may at any time discharge said grand jury from further service, in which event he shall cause a new grand jury to be drawn which shall serve in the manner herein provided.

Jury
service.

Proviso.

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

Conflicting
laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 382

AN ACT TO AUTHORIZE THE LEVY AND COLLECTION OF A SPECIAL TAX IN PLEASANT GROVE TOWNSHIP, JOHNSTON COUNTY, FOR THE PURPOSE OF MAINTAINING THE PUBLIC ROADS THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of road trustees of Pleasant Grove Township, Johnston County, created by chapter five hundred and thirty, Public-Local Laws, session one thousand nine hundred and twenty-one, be and it is hereby authorized to call and hold a special election in said township for the purpose of voting a special tax therein which shall be known as a "special public

Special
election.

road maintenance tax," not to exceed thirty cents on the one hundred dollars in valuation and ninety cents on each taxable poll in said township.

SEC. 2. That the said special election shall be held as near as may in all respects as other special elections as now provided for by law, except as otherwise provided for in this act; that the said board of road trustees shall appoint some suitable person as registrar, and two pollholders, to conduct and hold said election, which registrar shall act as judge of said election. That said board of road trustees shall give notice of said election for thirty days prior thereto, by posting notice thereof in three public places, and also publishing the same for four weeks in some newspaper published in Johnston County, therein designating the time and place of the holding of said election.

SEC. 3. That the said board of road trustees shall cause an entire new registration of the voters in said township by giving thirty days notice thereof prior thereto by posting notice of the same in three public places in said township, and by publishing said notice for once a week for a period of four weeks in some newspaper published in Johnston County. That the costs incurred by the holding of said election shall be paid by the said board of road trustees from any funds that they may have on hand.

SEC. 4. That at said election those favoring said special tax shall cast a ballot, either printed or written thereon, the following: "For public road maintenance tax," and those opposing said tax shall vote or cast a ballot, either printed or written thereon, the following: "Against public road maintenance tax."

SEC. 5. That the judge of the election, together with the pollholders thereof, shall count the ballots thus cast at said election, and declare the result thereof; that they shall immediately thereafter, under their hands and seals, or the hands and seals of any two of them, certify to the clerk of the board of county commissioners of Johnston County the result of the said election, giving the number of qualified voters in said township, and the number of votes cast for and against the said tax, which certificate shall be filed and recorded in the minutes or records of said board of county commissioners.

SEC. 6. That if a majority of the qualified voters at said election shall vote in favor of said special tax, the board of county commissioners of Johnston County shall, at the time they levy other taxes each year thereafter for said county, levy a tax not to exceed thirty cents on each one hundred dollars in valuation of property in Pleasant Grove Township, and ninety cents on each taxable poll therein, provided the constitutional

Appointment
registrar, etc.

Notice.

New
registration.

Expenses.

Ballots.

Results.

In favor
special tax.

equation is observed, which tax shall be collected by sheriff or other officer of Johnston County, and by him turned over to the treasurer or depository of said board of road trustees.

SEC. 7. That the tax so levied and collected shall be expended by said board of road trustees of Pleasant Grove Township for the purpose of maintaining and keeping in repair the public roads now or hereafter constructed in said township; for buying equipment and machinery and the like therefor; and necessary material, if any. That none of said tax shall be used for the purpose of laying out new roads, except where the board of trustees shall deem it necessary to change the location of any road now or hereafter constructed in said township.

Expenditure
of tax.

SEC. 8. That the tax herein specified shall be in addition to all other taxes now imposed upon the property in said township, and shall in no wise affect the same.

Additional
tax.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 383

AN ACT PLACING THE SHERIFF OF CURRITUCK COUNTY ON A SALARY AND FIXING THE SALARY OF SAID OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That beginning with the term of office of the sheriff of Currituck County to be elected by the qualified voters of said county at the general election in November, one thousand nine hundred and twenty-six, the sheriff of said county shall receive an annual salary of two thousand five hundred dollars, and an allowance of seven hundred and fifty dollars for a deputy to be paid out of the general county fund of said county: *Provided*, that seven hundred and fifty dollars for a deputy shall not be allowed unless the said sheriff shall appoint as his deputy a resident of a township in said county other than the township in which the sheriff resided, and the said deputy shall retain his residence in such township during the time he serves as such deputy. That said salary shall be in lieu of commissions on tax collections and fees for the service of processes and summonses by said sheriff and shall be compensation in full for all service rendered by said office. The salary and allowance herein provided for shall be divided into twelve equal payments, one of which shall be made to the sheriff at the expiration of each

Compensation
sheriff.

In lieu
commissions
and fees.

Statement
of sheriff.

month of service as sheriff. It shall be the duty of said sheriff on the first Monday of each month to make a sworn statement to the board of county commissioners of the receipts of his office from fees collected and allowed by law for the service of processes and summonses and pay the same over monthly to the treasurer of Currituck County who shall cause the same to be placed to the credit of the general county fund. It shall also be the duty of said sheriff to make a monthly statement in full of all taxes collected to the board of county commissioners of said county and shall cause the same to be paid monthly to the county treasurer of said county. At the expiration of the term of office of sheriff in the year one thousand nine hundred and twenty-six the present incumbent in said office shall retain the tax books and collect the remaining taxes uncollected for the year one thousand nine hundred and twenty-six and shall receive the commissions therefor as allowed by law. At the beginning of the term of office of sheriff in the year one thousand nine hundred and twenty-eight and the beginning of each term of office of sheriff thereafter the newly elected sheriff shall have turned over to him the tax books which are in the hands of the sheriff whose term of office has expired, and shall collect the remaining taxes uncollected by his predecessor in office and shall receive no compensation for same other than the salary and allowance as herein provided. At the expiration of the term of office of sheriff in the year one thousand nine hundred and twenty-eight and each succeeding expiration of the term of said office the sheriff of Currituck County shall file a complete statement of all taxes collected and uncollected which have been placed in his hands during his term of office for collection and shall turn over to his successor in office all tax books which he may have at the time. Thereupon the newly elected sheriff shall be charged with such uncollected taxes as remain in such books and shall be responsible on his official bond therefor. Upon the turning over of such tax books to the newly elected sheriff for the collection of the taxes then remaining uncollected as hereinbefore provided the sheriff whose term of office has expired and his official bond shall be relieved from the further collection of such taxes.

Statement
of sheriff.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 384

AN ACT TO AMEND CHAPTER 206, PUBLIC-LOCAL LAWS OF 1923, SO AS TO ESTABLISH A CLOSE SEASON FOR A PERIOD OF 2 YEARS ON HUNTING OR TAKING QUAIL IN UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and six, Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby amended by adding at the close of said section the following words: "*Provided*, it shall be unlawful for any person to hunt or take or capture quail or partridge in Union County for a period of two years from the date of the ratification of this act. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined twenty-five dollars and there shall be taxed in the bill of costs the sum of ten dollars to be paid to the informer reporting any violation of this act."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 385

AN ACT TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF McDOWELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and thirty-eight of the Public-Local Laws for the year nineteen hundred and twenty-three be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

Amendment.

"That the clerk of the Superior Court of McDowell County shall receive as his only compensation for services as clerk of the Superior Court a salary of twenty-eight hundred dollars (\$2,800), payable out of the general county funds in equal monthly installments: *Provided*, that for the year ending December first, nineteen hundred and twenty-five, the compensation shall be at the rate of such annual salary for the portion of the

Compensation clerk of court.

Proviso.

year remaining after this act becomes effective: *Provided further*, that the said clerk of the Superior Court may employ a deputy or assistant to assist during the terms of the Superior Court, the compensation not to exceed five dollars per day for the number of days the court is actually in session."

Amendment.

SEC. 2. That section two of chapter one hundred and thirty-eight of the Public-Local Laws of the year nineteen hundred and twenty-three be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"That the register of deeds of McDowell County shall receive as his only compensation for services as register of deeds, clerk to the board of county commissioners and any and all other services required of him by law and by virtue of such office the sum of twenty-eight hundred dollars (\$2,800) per year, payable out of the general county funds in equal monthly installments: *Provided*, that for the year ending December first, nineteen hundred and twenty-five, he shall receive compensation at the rate of such annual salary for the portion of the year remaining after this act becomes effective; and *provided further*, that the board of commissioners for McDowell County, when it shall be made to appear that an assistant is needed by such register of deeds to do the work required of him, as such register of deeds and as such clerk to the board of county commissioners, may, in its discretion, authorize the necessary assistance and pay for the same out of the general county funds to an amount not to exceed six hundred dollars (\$600) in any one year."

Compensation register of deeds.

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 force and effect from and after the first day of March, nineteen hundred and twenty-five.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 386

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BLADEN COUNTY TO EMPLOY RURAL POLICE.

The General Assembly of North Carolina do enact:

Commissioners authorized employ rural police.

SECTION 1. That the board of county commissioners of Bladen County are hereby authorized and empowered to appoint such a number of persons as said board may consider necessary to perform the duties hereinafter designated, which persons shall serve and shall be known as the rural police of Bladen County.

SEC. 2. The said board of county commissioners shall fix the salaries and compensation of said rural police and appoint them

for such term as they see fit. The salaries and necessary expenses, which may be allowed by said board of county commissioners, shall be paid in such amount and in such manner as shall be determined by the said board of county commissioners.

Compensation
rural police.

SEC. 3. That it shall be the duty of the said rural police of Bladen County, under the direction of the sheriff of Bladen County, to patrol said Bladen County in such section or sections as they may be ordered by the sheriff of Bladen County to patrol, and to maintain order and quiet in said county; to prevent violation of the law; to locate and apprehend violators of the law and to investigate and apprehend violators of the law and report to the sheriff of Bladen County, or other proper officers in said county, any conditions of facts, the existence of which are injurious to the material or moral well-being of the citizens of Bladen County.

Duties
rural police.

SEC. 4. That the said rural police of Bladen County shall have authority to make arrests in all cases where the sheriff is now authorized to make arrests, and for any suspected freshly committed crime, whether upon view or upon prompt information or complaint to arrest without warrant, and they shall have the right and authority to summons any person or persons to assist in enforcing the laws and in arresting violators or suspected violators thereof; and any citizen or citizens who shall fail to respond and render assistance when so summoned shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for thirty days or be fined fifty dollars. When an arrest is made without warrant the person so arrested shall forthwith be carried before a justice of the peace or recorder, and a warrant of arrest procured, and disposed of as the justice of the peace or recorder shall direct.

Authority
rural police.

SEC. 5. That said rural police before entering upon their duties shall enter into a bond in such sum and with such surety as the board of commissioners may require, conditioned for the faithful performance of their duty, and they shall also take and subscribe such oath as may be required by the board of commissioners of said county.

Bond of
rural police.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 387

AN ACT TO ALLOW THE TREASURER OF WILKES COUNTY
\$25 PER MONTH FOR CLERICAL HELP.

For clerical
help.

The General Assembly of North Carolina do enact:

SEC. 1. That the treasurer of Wilkes County may in the discretion of the county commissioners be paid out of the general funds of said county, to be paid upon the first Monday of each month, the sum of twenty-five dollars (\$25) per month as clerk hire. This to be in addition to the compensation he now receives.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 388

AN ACT TO REQUIRE SCHOOL DISTRICTS OF HYDE
COUNTY TO BEAR THE EXPENSE OF BUYING TRUCKS
AND LIKE VEHICLES FOR THE TRANSPORTATION OF
THE SCHOOL CHILDREN AND TO BEAR THE COST OF
OPERATING THE SAME.

Expense motor
trucks, etc.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act each school district of Hyde County in which motor buses, motor trucks and similar equipment are used shall be liable for the cost of motor buses, motor trucks and similar equipment or other vehicles used in the transportation of school children in each district, and each district shall also be liable for the cost of maintaining and operating said motor and other vehicles.

Submitted to
voters.

SEC. 2. Before any such equipment is hereafter purchased and placed in operation the question of whether same is desired shall be submitted to the voters of the district at an election to be called and conducted under the laws providing for elections on the question of consolidation of schools. The ballots shall be printed and shall contain the words "For or against trucks" and the voter shall strike out either the word "For" or "Against" as he may desire to vote. If a majority of the registered qualified voters of said district vote "For trucks," then it shall be lawful for the board of education of the district to purchase or operate such equipment.

Ballots.

Incidental
expenses.

SEC. 3. That the incidental expenses of operating the schools of Hyde County shall be a liability of each school district of Hyde County and shall be paid by each district.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 389

AN ACT TO FIX THE TIME FOR HOLDING COURTS IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The county of Tyrrell shall have the number of regular weeks of Superior Court as herein set out, to wit:

Fifth Monday before the first Monday in March, to continue for one week for the trial of civil cases only; seventh Monday after the first Monday in March to continue for one week for the trial of criminal and civil cases; twelfth Monday after the first Monday in September to continue for one week for the trial of criminal and civil cases. Term of court.

SEC. 2. The courts shall be opened on Tuesday instead of Monday of the term herein set out: *Provided*, that the presiding judge may, in his discretion, open court on Monday afternoon for the transaction of only such business as shall not require the presence of a jury. Business not requiring jury.

SEC. 3. That all laws and clauses of laws in conflict with this act, including all laws fixing regular terms of court for Tyrrell County, be and the same are hereby repealed. Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 390

AN ACT TO REGULATE THE FEES OF THE REGISTER OF DEEDS FOR GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the register of deeds for Granville County shall be allowed only a fee of thirty cents for recording any short form of title retaining note, rental contract or chattel mortgage on personal property when such instrument does not Regulation of fees.

contain more than three hundred words, and ten cents for each additional one hundred words or fraction thereof.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 391

AN ACT TO PROVIDE A UNIFORM SPECIAL SCHOOL TAX FOR ROCKINGHAM COUNTY, AND TO PROVIDE FOR THE ASSUMPTION, BY THE COUNTY, OF INDEBTEDNESS INCURRED BY SPECIAL CHARTER DISTRICTS IN ERECTING SCHOOL BUILDINGS, AND TO PROVIDE FOR THE ISSUING OF BONDS TO BUILD AND EQUIP SCHOOL BUILDINGS WHEN RATIFIED BY A VOTE OF THE PEOPLE.

Special
school tax.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of the board of commissioners of Rockingham County, upon the request of the county board of education of said county, to order an election to be held in said county on such date as may be determined by said county board of education on the question of approving the provisions of this act. At the said election all qualified voters of Rockingham County who approve this act shall vote a ballot on which shall be printed or written the words, "For uniform school tax rate and bonds," and all qualified voters who shall oppose this act shall vote a ballot on which shall be printed or written the words, "Against uniform school tax rate and bonds." If a majority of the qualified voters of said county shall vote "For uniform school tax rate and bonds," the provisions of the second section and subsequent sections of this act shall become operative and be in full force and effect in said county; and if a majority of said qualified voters shall vote "Against school tax rate and bonds," the said section shall not be operative or in force. The said election shall be held in the manner provided by law for the election of members of the General Assembly, except as in this act is otherwise provided. A new registration of the qualified voters of said county shall be provided for said election. The board of county commissioners shall appoint a registrar, and two judges of election for each election precinct in said county, shall order said new registration and shall determine the result of said election. Notice of the said election

New
registration.

and of said new registration shall be given by publication at least three times in two or more newspapers published in Rockingham County, the first publication to be at least forty days prior to the date of said election. Said notice shall state the days on which the registration books will be opened and closed. The validity of said election and the correctness of the determination of the result thereof by said board of county commissioners shall not be open to question in any court upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the determination of the result of said election by said board of county commissioners.

Validity
of election.

SEC. 2. For the purpose of maintaining the public schools of said county for a term of two months in excess of the term required by the Constitution of North Carolina the board of commissioners of Rockingham County shall annually, at the time provided by law for the levying of county taxes, levy a uniform ad valorem tax on all taxable property in said county, at a rate not to exceed thirty cents on the one hundred dollars assessed valuation of said property. In addition to the said tax for the maintenance of public schools, said board of commissioners shall levy, annually, a sufficient ad valorem tax on all taxable property in said county for the purpose of paying the principal and interest of all indebtedness assumed or incurred by said county under the provisions of this act, as such principal and interest fall due.

Ad valorem tax.

SEC. 3. The county of Rockingham shall assume and pay all outstanding indebtedness incurred before the first day of January, one thousand nine hundred and twenty-five, for school purposes by the school districts of said county, the amount of said indebtedness being estimated at five hundred and fifty thousand dollars (\$550,000).

Payment of
indebtedness.

SEC. 4. In order to provide funds immediately needed for the construction, reconstruction, altering, enlarging and equipping of public school buildings and the acquisition and improvement of lands for school purposes, and also to provide for the payment of the outstanding indebtedness referred to in the first section of this act, the board of county commissioners of Rockingham County shall, upon the request of the county board of education, issue and sell bonds of said county in an amount not exceeding seven hundred and fifty thousand dollars (\$750,000). Said bonds shall be issued at such time or times and in such amount or amounts as the county board of education may specify in their request to the board of said commissioners for the issuance of said bonds.

Bond issue
authorized.

Conveyance
of title.

SEC. 5. It shall be the duty of the boards of education, boards of trustees and school committees, or other governing bodies of all school districts in Rockingham County, to transfer and convey by deed to the county board of education of said county the title to all school property owned or held by them.

Does not
prevent levying
local taxes.

SEC. 6. Nothing in this act shall be construed as preventing any school district from levying such local taxes as may have been or shall hereafter be voted by it for the purpose of supplementing the funds provided for the maintenance of school for a term of six months in every year. Any such school district may continue to levy such taxes or any part thereof and to use the same for the purpose of maintaining public schools for a term in excess of eight months or for supplementing teachers' salaries or for engaging in educational activities not provided for out of the county-wide tax or county bond issues provided for by this act.

Appointments
to be made by
county board of
education.

SEC. 7. The school committees, boards of education, boards of trustees, and other governing bodies of all school districts in Rockingham County (including special charter districts, as well as local tax districts, and other districts), shall hereafter be appointed by the county board of education of Rockingham County in the manner provided by section forty-eight of article four of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, as amended, for the appointment of committees of school districts, by the county board of education: *Provided, however,* that the present members of said governing bodies shall serve until the expiration of their terms of office.

Issuance
pursuant
resolution.

SEC. 8. All bonds issued under this act shall be issued pursuant to a resolution or resolutions to be adopted by the board of county commissioners of said county. Said bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and each issue thereof shall mature in annual installments or series composed of one or more bonds, beginning not more than two years after the date of issuance of the bonds and ending not more than thirty years after such date of issuance. Said annual installments may be equal or not equal in amount, but no installment shall be more than two and one-half times as great in amount as any prior installment of the same bond issue. The principal and interest of said bonds shall be payable at such place or places and in such medium of payment as said board of commissioners may determine. The bonds shall be issued in coupon form, but may be made subject to registration as to principal alone or as to both principal and interest. Said bonds shall be sold at public auction for not less than par and accrued interest, after notice published

Form.

in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of bonds of cities and towns. Sale.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 10. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 392

AN ACT TO AMEND CHAPTER 242 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1923, BEING AN ACT TO PROVIDE FOR THE UPKEEP AND MAINTENANCE OF THE PUBLIC ROADS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and forty-two of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-three, be and the same is hereby amended by adding at the end of said section the following:

"The said commissioners shall at the time of dividing said county into districts set forth the roads embraced in each district and define the beginning and end of each road embraced in said district." Amendment.

SEC. 2. That chapter two hundred and forty-two of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words "road commissioner" wherever said words appear in said chapter and insert in lieu thereof the word "patrolman," and by striking out the words "road commissioners" wherever said words occur in said chapter and insert in lieu thereof the word "patrolman." Amendment.

SEC. 3. That all laws and clauses of laws in conflict with this act are to the extent of such conflict hereby repealed. Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 393

AN ACT RELATING TO THE BOND OF THE TREASURER OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Bonds of
treasurer.

SECTION 1. That all bonds to be given hereafter by the treasurer of Washington County shall be given in a surety and bonding company licensed to do business in this State, the same to be approved by the board of county commissioners of said county.

Bonding
company
not liable.

SEC. 2. That any surety and bonding company which may execute a bond for the treasurer of Washington County after the ratification of this act and during the present term of office of the present treasurer shall not be liable for any act of the treasurer in his official capacity prior to the ratification of this act, or any loss which the treasurer may have sustained during the present term of office of the present treasurer and prior to the ratification of this act.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 394

AN ACT TO REPEAL CHAPTER 129, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924, RELATING TO THE PROTECTION OF MT. GILEAD BAPTIST CHURCH.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and twenty-nine of the Public-Local Laws, extra session, one thousand nine hundred and twenty-four, be and the same is hereby repealed.

Chapter
repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 395

AN ACT TO MAKE CHAPTER 576, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1919, RELATING TO THE SCHEDULE OF FEES FOR CLERK OF SUPERIOR COURT OF GUILFORD COUNTY, APPLICABLE ALSO TO THE COUNTY OF ALLEGHANY.

The General Assembly of North Carolina do enact:

SECTION 1. That the schedule of fees provided for the clerk of the Superior Court of Guilford County in chapter five hundred and seventy-six, Public-Local Laws of North Carolina, session one thousand nine hundred and nineteen, shall also apply to the county of Alleghany and the clerk Superior Court Alleghany County shall be entitled to charge and receive fees according to the schedule set out in said act.

Schedule of fees made applicable to Alleghany County.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 396

AN ACT TO TRANSFER FROM THE BOARD OF COUNTY COMMISSIONERS OF McDOWELL COUNTY TO THE HIGHWAY COMMISSION OF McDOWELL COUNTY THE MAINTENANCE AND BUILDING OF BRIDGES IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the authority now conferred and the duties now imposed by law upon the board of county commissioners for McDowell County, in the maintenance and building of bridges upon the public roads in each and all of the townships in McDowell County, be and the same is hereby transferred from the board of county commissioners and conferred and imposed upon and vested in the highway commission of said county.

Transfer of maintenance and building.

SEC. 2. That the duties now imposed by law upon the chairman of the board of county commissioners, with relation to bridges upon the public roads in McDowell County be and the same are hereby transferred to and imposed upon the chairman of the highway commission, in whom shall be vested the authority to designate the highway engineer to perform such duties.

Duties transferred.

SEC. 3. That all funds derived, or hereafter to be derived, from taxes levied for the purpose of maintaining and building

Expenditure of funds.

bridges in McDowell County shall hereafter be expended under the direction and upon the order of the highway commission of the said county.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 397

AN ACT TO AMEND CHAPTER 564, PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE OFFICE OF THE RECORDER OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Amendment;
additional
jurisdiction.

SECTION 1. That in addition to the jurisdiction granted in subsection "c," section six of chapter five hundred and sixty-four, Public-Local Laws of one thousand nine hundred and thirteen, the recorder of Rutherford County shall have final concurrent jurisdiction of the following offenses: All offenses which have been or which may hereafter be declared to be misdemeanors, and all offenses for violation of the prohibition laws of the State of North Carolina, including the manufacture, sale, transportation, receiving, having on hand for the purpose of sale, having on hand for beverage purposes spirituous liquors, and any and all other acts declared to be an offense by the prohibition laws of North Carolina.

SEC. 2. That in addition to the jurisdiction given said recorder by subsection "i," same being the last subsection of said section six of said act, said recorder shall have final concurrent original jurisdiction of all civil matters triable in Rutherford County arising out of contract where the sum demanded, exclusive of interest, does not exceed one thousand dollars, and those arising out of tort where the value of the property or the amount in controversy does not exceed five hundred dollars, and in claim and delivery proceedings where the value of the property does not exceed five hundred dollars.

Amendment.

SEC. 3. That section ten of said chapter five hundred and sixty-four, Public-Local Laws of nineteen hundred and thirteen, be amended as follows: That the first word "now" contained in line three of said section be stricken out, and that the words "may be" be inserted in lieu thereof, and after the word "law,"

in said line three, and before the word "and," that the following be inserted, "for the sheriff of Rutherford County."

SEC. 4. That said section ten be further amended by striking out, in line six of said section, after the word "as" and before the word "fixed," the word "now."

Amendment.

SEC. 5. That the time for returning process and the time for trial of all civil actions coming before the recorder which are within the jurisdiction of a justice of the peace shall be as prescribed by law before justices of the peace, and in all cases of which the Superior Court has jurisdiction, the rules governing process and procedure therein shall apply to the recorder's court except as modified by the provisions of section nine of said chapter.

Trial of
civil actions.

SEC. 6. That section twenty-five of said act shall be and the same is hereby repealed and the following inserted in lieu thereof: "That the salary of the recorder of Rutherford County shall be and the same is hereby fixed at fifteen hundred dollars per year, payable monthly.

Section
repealed.

In lieu.

SEC. 7. That any provision contained in said chapter five hundred and sixty-four, Public-Local Laws of nineteen hundred and thirteen, and chapter three hundred and eighty-one, Public-Local Laws of nineteen hundred and fifteen, or acts amendatory thereof in conflict herewith is hereby modified or repealed so as to conform to the provisions of this act, and all laws, and clauses of laws in conflict herewith are hereby repealed.

Conflicting
laws repealed.

SEC. 8. That this act shall be in force from and after April first, one thousand nine hundred and twenty-five.

Date of
effect.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 398

AN ACT TO FIX THE SALARIES OF THE CLERK OF SUPERIOR COURT AND THE REGISTER OF DEEDS FOR HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in December, one thousand nine hundred and twenty-four, the salary of the clerk of the Superior Court and the salary of the register of deeds of Hyde County shall be eighteen hundred dollars (\$1,800) each, per annum, which said amount shall be retained by each of said officers from the fees paid into their respective offices: *Provided*, that if the fees received by each of said offices in each year do not amount to the sum of eighteen hundred dollars

Compensations
fixed.

(\$1,800), then said officer cannot receive more than the actual amount of fees collected; and if said fees received and collected by each respective office exceeds the sum of eighteen hundred dollars (\$1,800) in each year, then the excess over and above the sum of eighteen hundred dollars (\$1,800) shall be paid into the general county fund.

Allowance to clerk of court.

SEC. 2. That the board of county commissioners of Hyde County, in its discretion, are authorized to make an allowance to the clerk of the Superior Court for holding each term of court, and to the register of deeds for preparing the county tax books, the said allowance to be in addition to the compensation fixed in section one of this act.

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 force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 399

AN ACT TO PROHIBIT THE SHOOTING OF SQUIRRELS ON ROANOKE ISLAND, DARE COUNTY, FOR A PERIOD OF 5 YEARS.

The General Assembly of North Carolina do enact:

Unlawful destroy squirrels.

SECTION 1. That it shall be unlawful for any person to hunt, kill or destroy any squirrel on Roanoke Island, Dare County, for a period of five years from the ratification of this act.

Violation misdemeanor; penalty.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and punishable by a fine of not less than five dollars (\$5) nor more than fifty dollars (\$50).

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 400

AN ACT RELATING TO THE SUPERIOR COURTS OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That the Consolidated Statutes, section fourteen hundred and forty-three, be amended by striking out that part

of said section relating to the courts of Buncombe County, and inserting in lieu thereof the following:

Buncombe. The second Monday in January, the first Monday in February, the first Monday in March, the first Monday in April, the first Monday in May, the first Monday in June, the second Monday in July, the first Monday in August, the first Monday in September, the first Monday in October, the first Monday in November, and the first Monday in December, each to continue for two weeks, for the trial of civil cases exclusively; the fourth Monday in January, the third Monday in February, the third Monday in March, the third Monday in April, the third Monday in May, the fourth Monday in July, the third Monday in August, the third Monday in September, the third Monday in October, the third Monday in November, and the third Monday in December, each to continue for one week, for the trial of both criminal and civil cases; the third Monday in June to continue for two weeks, for the trial of both criminal and civil cases; the fifth Monday of each and every month, to continue for one week, for the trial of both criminal and civil cases.

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

SEC. 3. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and twenty-five.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 401

AN ACT TO AMEND CHAPTER 172, PRIVATE LAWS OF 1923, RELATING TO THE TREASURER OF THE BOARD OF EDUCATION OF THE BURLINGTON CITY GRADED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and seventy-two, Private Laws of one thousand nine hundred and twenty-three, be amended by striking out all of said section between the word "board," in line three of said section, and the word "conditioned," in line five thereof. Amendment.

SEC. 2. That all laws and clauses of laws in conflict with said chapter one hundred and seventy-two of the Private Laws of one thousand nine hundred and twenty-three as amended by this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 402

AN ACT RELATING TO THE FEES OF THE CLERK OF THE
SUPERIOR COURT OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Schedule of fees.

SECTION 1. That the following schedule of fees shall be allowed the clerk of the Superior Court of Yancey County, together with any other fees now allowed by law for other services not herein set forth:

Original summons, or other original process, including all names therein, two dollars and every copy of same, fifty cents; bond, including justification, one dollar; appeal from justice, one dollar; appeal from clerk to judge, one dollar; order for enlarging time of pleading, fifty cents; interlocutory order, fifty cents; attachment, order in, one dollar; injunction order, including bond and justification, one dollar; order of arrest, one dollar; subpoena, each name, twenty-five cents; notifying solicitor of removal of guardian, one dollar; continuance, fifty cents; caveat to a will, entering and docketing, one dollar; issuing commission, one dollar; affidavit, including jurat and certificate, fifty cents; seal, fifty cents; motion, entry and record of, fifty cents; notice, fifty cents; notice, for each name over one in same paper, twenty-five cents; impaneling jury, ten cents; judgment final in term time, one dollar; judgment final before clerk, one dollar; judgment in favor of widow's year's support, one dollar, and docketing same, fifty cents; docketing ex parte proceedings, fifty cents; docketing judgment, fifty cents, docketing summons, twenty-five cents; indexing judgment, ten cents; filing papers, ten cents; preparing bill of costs, fifty cents; postage, actual; recording in minutes, one dollar; transcript of judgment, fifty cents; execution and sheriff's return, one dollar; certifying return on execution, fifty cents; appeal to Supreme Court, including certificate and seal, two dollars.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 403

AN ACT TO REPEAL CHAPTER 106, PUBLIC-LOCAL LAWS.
EXTRA SESSION, 1924, REGULATING PUBLIC SERVICE
VEHICLES IN BUNCOMBE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and six of the Public-Local Laws of extra session, one thousand nine hundred and twenty-four entitled "An act to require motor-driven vehicles carrying passengers for hire in Buncombe County, to carry public liability insurance, and for other purposes for protection of public travel in said county," be and the same is hereby repealed. Chapter repealed.

SEC. 2. That this act shall apply to the county of Buncombe only. Application of act.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 404

AN ACT TO AMEND SECTION 8042, CONSOLIDATED STATUTES, RELATING TO SHERIFF'S COMMISSION ON TAX COLLECTIONS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight thousand and forty-two of the Consolidated Statutes be and the same is hereby amended by adding at the end thereof the following: Amendments.

"*Provided*, that the commissions on taxes collected by the sheriff of Pamlico County in excess of fifty thousand dollars (\$50,000) shall not exceed one and one-half per cent." Proviso.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 405

AN ACT TO AMEND CHAPTER 394, PUBLIC-LOCAL LAWS OF 1923, RELATIVE TO SALARY OF SHERIFF OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one of chapter three hundred and ninety-four of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out the words "forty-five hundred dollars" after the word "of" and before the word "per," in line four of said section, and by inserting in lieu thereof the words "four thousand dollars."

Amendment.

SEC. 2. That section two of said chapter be and the same is hereby amended by inserting after the comma and before the word "but," in line three, the following: "one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six."

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 406

AN ACT TO AMEND CHAPTER 94 OF THE PUBLIC-LOCAL LAWS OF 1919, RELATING TO COMPENSATION FOR COLLECTION OF TAXES IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two of chapter ninety-four of the Public-Local Laws for the year nineteen hundred nineteen be amended by striking out the word "three," appearing in the sixth line of said section, after the word "taxes" and before the word "per," by inserting in lieu thereof the word "two."

Not to interfere with tax collection.

SEC. 2. That this act shall not relate to the taxes levied during the years nineteen hundred and twenty-five and nineteen hundred and twenty-six, and shall in no way interfere with the collection and settlement of taxes and the compensation of the present sheriff, elected at the general election in the year nineteen hundred and twenty-four.

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 force from and after the first Monday in December, A.D. nineteen hundred and twenty-six.
Ratified this the 6th day of March, A.D. 1925.

CHAPTER 407

AN ACT TO PROVIDE FOR A CALENDAR FOR THE CRIMINAL COURTS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That after the ratification of this act all mayors of towns, and justices of the peace in and for Chatham County shall, on the fifteenth day before the date of convening of any criminal term of the Superior Court of Chatham County, make out and deliver to the clerk of the Superior Court their returns and the papers in all cases in which defendants have appealed from the judgments rendered in their respective courts or have been recognized to appear at said term of the Superior Court of Chatham County.

Report of returns.

SEC. 2. That ten days before the convening of any term of the Superior Court of Chatham County the clerk of said court shall make out a calendar for the first five days of a one-week term and the first ten days of a two-weeks term; that all criminal cases except capital felonies shall be placed upon the calendar in the following order:

Calendar.

1. Cases in which the defendants have been bound over by the inferior courts and are in jail in default of bail;
2. All other cases in which the defendants are in jail;
3. All cases in which the defendants are not in jail; and
4. Sci. fa. docket and forfeited recognizances.

When defendants have been bound over.

Other cases.

That immediately upon completion of the calendar, the clerk shall have the same printed, giving the name of the defendant, the offense charged, and the day of the week and month upon which the case is set for trial, and shall mail a copy of said printed calendar to the solicitor of the district, and, upon request, deliver a copy each to the officers of the court, the attorneys practicing at the Chatham County bar, and upon request to the defendants and witnesses.

Sci. fa. docket and forfeited recognizances.

SEC. 3. That it shall be the duty of the solicitor of the district to have all bills for each day's calendar prepared and present the same to the grand jury upon the opening of court each day of the term, except Monday of the first week of the term, when they shall be prepared and presented to the grand jury immediately upon the completion of the charge of the court.

Bills for calendar.

Order of trial.

SEC. 4. That cases shall be tried in the order in which they are on the calendar. If for sufficient reason the State or defendant is not ready for trial at the time the case is reached, the same shall be continued for the term unless otherwise set for trial by the court.

Appearance of defendants and witnesses.

SEC. 5. That the defendants and witnesses recognized to appear at any criminal term shall in the recognizance be ordered to appear on the first day of the term, as now provided by law, but, in fact, shall not be required to appear until the day on which the case is set for trial, and no witness shall prove for attendance prior to the day on which the case is set on the calendar.

Shall not apply to capital felonies.

SEC. 6. That the provisions of this act shall not apply to capital felonies.

Cases docketed in Superior Court.

SEC. 7. That cases docketed in the Superior Court after the formation of the calendar shall stand for trial at the approaching term and shall be heard in the discretion of the court.

Expenses.

SEC. 8. That the county commissioners of Chatham County shall pay all expenses incurred by the clerk in carrying out the provisions of this act.

Conflicting laws repealed.

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 from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 408

AN ACT TO REGULATE PEDDLING IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Regulation of peddling.

SECTION 1. That any person who shall engage in the business of peddling as defined, limited and excepted in the Consolidated Statutes of one thousand nine hundred and nineteen, section seven thousand eight hundred twenty, within the limits of Franklin County, whether on foot, with horse, ox, or mule, with or without vehicle, or a vehicle propelled by any other power, shall pay to the county of Franklin a license tax of one hundred dollars (\$100) per annum.

License tax.

Does not apply.

SEC. 2. This act shall not apply to the sale of fruits, vegetables, or county produce and products of the farmers' orchards.

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 force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 409

AN ACT TO CREATE AND ESTABLISH AN AUDITOR'S OFFICE IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of auditor for Mitchell County is hereby created, and J. D. Pannell is hereby appointed auditor of said county, and he shall receive a salary of fifteen hundred dollars (\$1,500) per year, and his said salary shall be paid monthly by the county commissioners of Mitchell County. The said auditor shall furnish a bond in some reputable bonding company authorized to do business in this State, or a personal bond to be approved by the county commissioners, in the sum of five thousand dollars (\$5,000) payable to the county of Mitchell, conditioned that he shall diligently, truly, faithfully and efficiently perform all the duties and requirements of said office, and he shall be responsible for the penalties, or any moneys of other kinds which may be recorded against him for any negligence, default or malfeasance in office.

Office of auditor created.

Compensation.

Bond.

Duties.

SEC. 2. The said auditor shall hold said office of auditor of Mitchell County until his successor shall be elected at the general election in November, nineteen hundred and twenty-six, unless he be removed from office as hereinafter provided for, and after the ratification of this act, and immediately upon the execution and filing with the board of county commissioners of Mitchell county the bond required by section one of this act, the said auditor shall enter upon the discharge of the duties of said office, and his salary shall commence upon his filing bond and taking the oath of office herein required.

Election of successor.

SEC. 3. The auditor shall, before entering upon his duties, take and subscribe before the clerk of the Superior Court for Mitchell County an oath that he will honestly, conscientiously, fearlessly, diligently, impartially, efficiently and to the best of his skill and ability discharge the duties required by this act.

Oath of office.

SEC. 4. It shall be the duty of said auditor of Mitchell County to do and perform all duties required by law of the register of deeds of Mitchell County relating to making out tax lists, computing taxes, copying tax lists, making abstracts and returns and reports required by law to be made, and he shall supervise

Duties.

and direct the listing of property for taxes levied in said county; and he shall do and perform all duties that are or may be required by law of a county assessor of taxes for and in said county of Mitchell; to make out one copy of the tax list for each township as a permanent copy, and to deliver the original copy to the tax collector or sheriff of said county; to investigate and see that all property subject to taxation is listed for such taxation, and to collect so far as possible all certificates of tax sales when the county of Mitchell becomes the purchaser, and prosecute actions for the collection of such tax certificates in the name of the board of commissioners of Mitchell County.

Further
duties.

SEC. 5. It shall be the duty of said auditor to inspect, examine and audit the accounts of all officers of Mitchell County, including the clerk of the Superior Court, sheriff, register of deeds, board of education, treasurer, board of road commissioners, county commissioners, all township officers, and officers of incorporated towns in said county. It shall be his duty to make out and prepare for publication all annual statements required by law and all monthly statements that may be required by the board of county commissioners to be published, to investigate and inquire for all delinquent taxpayers, and to require all delinquent property of every kind and nature whatever to be placed on the tax list, and to aid and assist the sheriff or tax collector to locate and collect all privilege tax or other taxes, to act as accountant for the county settling with the county officers; to supervise and examine at least once every ninety days all books, accounts, receipts, vouchers and other records of all officers of Mitchell County which show fees and commissions collected and received by them; to examine at least once each year the docket of all justices of the peace, mayors, police judges or recorders of said county; and he is authorized to administer oaths on certifications of claims which may be filed against the county, and to open a set of books in which shall be shown the receipts, fees and commissions of all the officers of said county in a correct and intelligent manner, which book shall be permanently kept as a record of his office and always open to public inspection; to audit all bills and claims presented to the board of commissioners of said county for payment, and no claim or bill filed with said board of commissioners shall be paid or allowed until it has been audited and approved by said auditor. It shall be his further duty under the order and direction of the board of commissioners of Mitchell County, if he shall be directed to do so, to familiarize himself with market prices of such things as the county has to buy from time to time and assist in buying the supplies for the county.

SEC. 6. That the board of county commissioners of Mitchell County shall furnish the said auditor a suitable room in the county courthouse, together with necessary furniture, fixtures and supplies, and shall purchase such books, blanks, stationery and other equipment for said office as will be necessary to enable the auditor to carry out the provisions of this act; and the said auditor shall give his entire time and attention to the discharge of the duties imposed upon him by this act and by law and his office shall be kept open daily as the offices of other public officers of Mitchell County.

Commissioners
to furnish
office, etc.

SEC. 7. If for any cause there shall be a vacancy in said office the county commissioners of Mitchell County shall appoint some fit and suitable citizen of said county, who shall be a competent and skilled accountant, to fill such vacancy, and the person so appointed shall serve out the unexpired term, and until his successor shall be elected and qualified as herein provided.

Vacancy.

SEC. 8. It shall be the duty of said auditor to inquire into and investigate and file a detailed and itemized account of the condition of all county finances, the accounts of all public officers, including the board of education and the county road governing body, or their successors, and to make a true report thereof and record the same in a book to be kept for that purpose and to be known and designated as the "Record of the Auditor of Mitchell County." He shall, within ten days after the first Monday in December in each and every year, publish a statement of the financial condition of the county of Mitchell, showing by itemized statement the permanent and floating debt of the county, when contracted, for what contracted, and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the county, showing the total amount received and disbursed for each particular purpose, which report shall be published at the courthouse door, and also in some newspaper of general circulation published in the county immediately following the filing of said report, and the expense of such publication shall be paid by the board of commissioners of said county out of county funds.

Account of
auditor.

SEC. 9. That Brown McKinney be and he is hereby appointed by the General Assembly of North Carolina first assistant auditor for Mitchell County, and shall hold said office until his successor shall be elected as herein provided for the election of the auditor. The said first assistant auditor shall receive for his services rendered the sum of five dollars (\$5) per day for the time actually employed, and shall be paid each month at said rate for the time actually employed by the board of county commissioners of Mitchell County from county funds. The auditor may appoint a second assistant auditor and he shall be paid

Auditor
appointed.

three dollars (\$3) per day while actually engaged in assisting in the work of the office; and said assistant auditor is to serve and assist the auditor appointed by this act in the discharge of his duties under said act at such times and in such manner as may be necessary and required by the auditor within his sound discretion.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 410

AN ACT TO REGULATE FISHING IN THE WATERS OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

Unlawful catch certain fish.

SECTION 1. It shall be unlawful for any person, firm or corporation to catch black bass fish, otherwise known as "chub," and crappies, otherwise known as "speckled perch," in any of the waters or streams of Perquimans County in any manner whatsoever except by hook and line or casting.

SEC. 2. It shall be unlawful for any person, firm or corporation to catch black bass fish, otherwise known as "chub," and crappies, otherwise known as "speckled perch," in any of the waters or streams of Perquimans County in any manner whatsoever unless the said black bass fish shall exceed ten inches in length or the said crappies shall exceed seven inches in length. All such fish herein specified caught by nets or in any manner other than by hook and line or casting shall be immediately returned to the waters by the catcher, and all such fish of a less length than ten inches for black bass or seven inches for crappies caught in any manner whatsoever shall be immediately returned to the waters by the catcher.

Application of act.

SEC. 3. This act shall not apply to waters of Perquimans River from the highway bridge at Hertford to the mouth of Perquimans River.

Violation misdemeanor; penalty.

SEC. 4. Any one violating the provisions of this act shall be guilty of a misdemeanor and upon conviction, fined not to exceed fifty dollars or imprisoned not to exceed thirty days in jail.

Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 411

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAKE COUNTY TO REIMBURSE L. D. STEPHENSON, FORMER COUNTY TREASURER, FOR LOSS SUSTAINED IN FAILURE OF CENTRAL BANK AND TRUST COMPANY.

Whereas, L. D. Stephenson, former treasurer of Wake County, on the failure of the Central Bank and Trust Company, a banking institution organized under the laws of the State of North Carolina and operated under the supervision of the State Banking Department, on January thirteenth, nineteen hundred and twenty-two, had on deposit in said bank funds of the county of Wake, belonging to the Wake highway and dog tax funds in the sum of twelve thousand nine hundred and fifty-eight dollars and sixty-two cents; and

Preamble.

Whereas, the said sum was paid to the county of Wake by the bonding company, surety of said Stephenson, upon condition that said Stephenson secure said bonding company against loss; and

Whereas, said Stephenson upon payment of the county of Wake of the loss by reason of the failure of said bank assigned all of his interest in any dividends paid or to be paid by the receivers of said bank to the bonding company, and as further security executed to the bonding company a mortgage on his home; and

Whereas, there has been paid to the bonding company by receivers of said bank in satisfaction of the claim assigned to said bonding company by said Stephenson the sum of seven thousand seven hundred and eighty-nine dollars and sixty-three cents, leaving a balance due said bonding company by said Stephenson of five thousand two hundred and eighteen dollars and sixty-nine cents, secured by mortgage on his home: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Wake County be and they are hereby authorized and directed to draw their order or warrant upon the county treasurer of Wake County in the sum of five thousand two hundred and eighteen dollars and sixty-nine cents with interest on said sum from the thirteenth day of January, nineteen hundred twenty-two, pay-

Treasurer
reimbursed.

able to the order of L. D. Stephenson, former county treasurer, and payable out of the general fund of the county of Wake, to reimburse said Stephenson for the loss sustained as county treasurer by reason of the failure of said banking institution; and the county treasurer of Wake County is hereby authorized and directed to pay said warrant upon presentation.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 412

AN ACT RELATING TO THE HUNTING OF GAME IN PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt any wild or other game, including coon and squirrel, in Perquimans County for which open and close seasons are provided by law without first securing a license therefor: *Provided*, that the open season for hunting squirrel and coon shall be from December first to February first.

SEC. 2. That the clerk of the Superior Court of Perquimans County shall not issue license to any person until said person shall present to said clerk of the Superior Court an application signed by one or more landowners owning as much in the aggregate as two hundred acres in said county asking that the license shall be issued to said person, which application shall give to the applicant permission to hunt on the lands of the person or persons signing the application with him: *Provided*, it shall not be necessary for a landowner, or his child, or ward or tenant, to secure a license to hunt upon lands owned by said landowner.

SEC. 3. That the clerk of the Superior Court of Perquimans County shall charge the following sums for licenses for all persons who shall hunt with gun or trap during the open season of each year:

- (a) Residents of Perquimans County, the sum of one dollar.
- (b) Persons residing in the State of North Carolina but outside of the county of Perquimans, five dollars.
- (c) Nonresidents of the State of North Carolina fifteen dollars.
- (d) Nonresidents of the State of North Carolina, five dollars per day for the first five days of the season and three dollars per day thereafter.

Unlawful
hunt game.

No license
to be issued.

Cost of licenses
in open season.

SEC. 4. That it shall be unlawful for any person to kill or otherwise destroy more than ten quail or partridge or one hundred and fifty ducks during the hunting season. Limit of hunt.

SEC. 5. That it shall be unlawful for any person to allow any bird dog to run at large in Perquimans County between May fifteen and September fifteen. Unlawful allow dog run at large.

SEC. 6. That all fees collected under this act except the necessary cost of license and application blanks shall be paid over to the school fund of Perquimans County. Fees to go to school fund.

SEC. 7. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars and not more than fifty dollars. Violation. misdemeanor; penalty.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 413

AN ACT TO PROVIDE FOR KEEPING A RECORD OF PURCHASES OF HOLLY, DEER TONGUE, AND HUCKLEBERRIES, WITH THE NAME OF THE SELLER, IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SEC. 1. That it shall be the duty of all persons buying holly, deer tongue and huckleberries to keep a record of the same, which record shall show: Purchaser of holly, etc., to keep record.

1. The name of the seller.
2. The date of the purchase.
3. The quantity purchased.
4. The statement of the seller as to the owner of the land from which said holly, deer tongue, or huckleberries was obtained.

SEC. 2. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days. Violation misdemeanor; penalty.

SEC. 3. That this act shall apply to the county of Pender only. Application of act.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 414

AN ACT TO PROTECT GAME AND TO REGULATE HUNTING
IN GATES COUNTY.

The General Assembly of North Carolina do enact:

Close
season.

SECTION 1. That it shall be unlawful for any person to hunt, kill or destroy in any manner any bob-white (partridge or quail) in Gates County from the fifteenth day of February to the fifteenth day of November of any year.

License tax.

SEC. 2. That an annual license tax of twenty dollars (instead of ten dollars as at present) is hereby imposed on all non-resident hunters of Gates County, whether they be citizens of North Carolina or some other state said tax when collected to be paid into the general school fund for Gates County; and in addition thereto a fee of fifty cents for each license shall be paid to the clerk of the Superior Court of said county.

Sheriff
appointed game
warden.

SEC. 3. That the sheriff of Gates County is hereby appointed game warden and the constables of each township deputy game wardens for the purpose of enforcing the game laws.

Failure to
secure license.

SEC. 4. That any person failing to secure a license as provided in section two of this act shall be guilty of a misdemeanor and upon conviction fined not less than one dollar or more than fifty dollars or imprisoned not exceeding thirty days, and the sum of ten dollars shall be included in the bill of cost and paid to the chief game warden or deputy warden making the arrest and securing conviction. Any person violating any of the other provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 415

AN ACT TO REGULATE THE SALARIES OF CERTAIN
OFFICERS AND CLERKS IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one of chapter two hundred and thirty-four Public-Local Laws of one thousand nine hundred and twenty-one be amended by striking out the words and figures "two thousand five hundred dollars (\$2,500)," in line

seven of said section, and inserting in lieu thereof the words and figures "three thousand dollars (\$3,000)."

SEC. 2. That section two of said chapter two hundred and thirty-four be amended by striking out the word "sixteen" in line three of said section, and inserting in lieu thereof the word "eleven"; and by striking out all of line six to fifteen, both inclusive, of said section and inserting in lieu thereof the following: "The register of deeds shall receive a salary of two thousand five hundred dollars (\$2,500) annually, and shall be allowed the sum of two thousand four hundred dollars (\$2,400) annually with which to employ a bookkeeper and audit clerk and a recording clerk to perform the services required by law of such employees and such other services as may be required by said register of deeds. The said register of deeds shall have the sole authority and discretion to fix the amount of compensation to be paid to each of such clerks: *Provided*, the combined salaries of all such clerks shall not exceed the allowance herein prescribed." And by adding at the end of said section the following: "*Provided*, that nothing herein contained shall be construed to prohibit the board of county commissioners from requiring other employees of the county to assist in making out the tax books, and said county commissioners, may, in their discretion, transfer to the office of the chairman of the board of county commissioners any duties now being performed in the office of the register of deeds except such as are required by the Constitution and Public Laws of North Carolina to be performed by the register of deeds."

Amendment.

SEC. 3. That section three of said chapter two hundred and thirty-four be amended by striking out the words and figures "nine hundred dollars (\$900)," in line six of said section, and inserting in lieu thereof the words and figures "eleven hundred dollars (\$1,100)."

Amendment.

SEC. 4. That the salaries herein fixed and the allowances herein provided for shall be effective as of the first day of March, one thousand nine hundred and twenty-five, and thereafter.

Date of effect.

SEC. 5. That the several officers of Alamance County who receive allowances for clerks and deputies, shall, respectively, have full power and authority to employ and discharge such clerks and deputies and nothing contained in chapter forty-seven, Public-Local Laws of one thousand nine hundred and twenty-three, or in any other act shall be construed in any way to limit or restrict such authority.

Authority to employ.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 416

AN ACT TO PROTECT GAME IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Game wardens
appointed.

SECTION 1. That N. M. Shaw of Troy Township, Coleman L. Robertson of Wadeville Township, Thomas R. Bladin of Mt. Gilead Township, Dave Yarborough of Cheeks Creek Township, Bice Moore of Pee Dee Township, T. A. Haywood of Rocky Springs Township, Harris Howell of Biscoe Township, P. M. Morris of Ophir Township, W. L. Mullinix of Uwharie Township, W. B. Lucas of Little River Township, George Jenkins of Eldorado Township, be and the same are hereby appointed game wardens for said county.

Election
chairman and
secretary.

SEC. 2. That immediately upon the ratification of this act the above-named game wardens shall meet at Troy and organize by electing one of their members chairman and one secretary. It shall be the duty of the secretary to keep the minutes of the proceedings showing organization and other records and as such organization shall be known as the game association of Montgomery County and charged with the duty of protecting the game of said county, and seeing that the law with respect thereto enforced and to this end they may employ counsel to assist in the prosecution of any one charged with its violation and pay therefor from any funds in its hands on deposit with the clerk of the Superior Court of said county. Should any vacancy occur in said game association in Montgomery County the association is hereby authorized to fill such vacancy by election.

Duties.

Vacancy.

Authorized to
appoint deputy
game wardens.

SEC. 3. For the more efficient enforcement of the law the said association is hereby authorized and empowered to appoint deputy or assistant game wardens for said county who shall qualify by taking the oath of a township constable before the clerk of the Superior Court of Montgomery County, and when so qualified have all the authority of a peace officer and town constable and may arrest any one caught by them in the act of violating the law without warrant. Any game warden, deputy or assistant game warden for each conviction under the game laws secured by such warden shall receive a fee of five dollars in addition to fees allowed by law for serving processes and other acts of constables with any indictment or prosecution for the violation of game laws, which fee shall be taxed in the bill of costs against the defendant.

Fees.

Unlawful hunt
during close
season.

SEC. 4. It shall be unlawful to hunt for, kill, shoot, trap, take or catch any game or wild bird herein named or designated during the closed season for such game which is declared to

be as follows, viz.: for quail, wild duck, ruffed grouse, chinese pheasants from January twentieth to November first. For dove, from March first to November first; for woodcock, January first to November first; black bellied golden plover, yellow legs, from December fifteenth to September first; geese, and Wilson snipe, February first to November first; coon and opossum, February fifteenth to October fifteenth; squirrel from September first to January first; foxes from February fifteenth to October first. No open season for deer and wild turkey.

SEC. 5. That it shall be unlawful for any nonresident to hunt during the season in Montgomery County for any game wild fowl, or animal herein named, without having first having applied for, paid and obtained a license which shall be issued by the clerk of the Superior Court of Montgomery County, who is charged with having such licenses printed and kept in his office for issue. The license fees paid for such privilege shall be as follows: For the privilege of hunting any of the game named and specified under this act for each nonresident, twenty-five dollars. In addition to such license each applicant shall also pay the clerk of the Superior Court twenty-five cents for issuing such license. Close season.

SEC. 6. The bona fide guest of any citizen of Montgomery County who and who are staying in their homes are excluded from the provisions of this act. Bona fide guests.

SEC. 7. That it shall be unlawful at any time to kill or catch any fox, coon, quail or duck, by trap, net, snare, or otherwise, than by the usual method of hunting and it shall be unlawful to kill any fox or catch any fox by shooting, snare, or trap at any time whether in open or closed season. It shall be unlawful to shoot or kill fox on tree at den in any season, and the owner of a dog or dogs shall keep them under control and not permit them to chase foxes during the closed season. Unlawful.

SEC. 8. That any one found hunting or out in the field or woods with dog or gun shall be presumed to be hunting and the same shall be prima facie evidence that those apparently in charge of such and those along are hunting. Prima facie evidence.

SEC. 9. That upon written application of any one training young fox dogs for permission to turn loose any fox bought by such trainer and run same, the game association may in its discretion give permission to run such fox by specifying the section and place at any time during the closed season for hunting fox. Special permission.

SEC. 10. That the clerk of the Superior Court of Montgomery County shall have printed and issued any and all licenses herein provided and collect all fees for the same and he shall keep a record of any and all licenses issued by serial number in a Copy licenses; fees.

book open to the inspection of the public and the funds shall be held by him and paid out upon the order of the game association signed by the chairman and secretary and any balance after the payment of all expenses incurred shall at the close of each season be expended in restocking the county with wild foxes or other game as said association may deem proper.

Hunter on own premises.

SEC. 11. That nothing in this act shall be construed to require any landowner of Montgomery County to take out or pay for a license to hunt during the open season on his own premises, nor shall it be construed to require any one to have a license to hunt rabbits or other wild animals not protected or covered by this act: *Provided*, nothing herein shall be construed so as to repeal the present law requiring the permission of the landowner to hunt on lands of another, nor the possession of a license authorize one to hunt on the lands of another without the permission of such landowner first secured.

Violation misdemeanor; penalty.

SEC. 12. That any one violating the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both at the discretion of the court.

Copy to clerk of court.

SEC. 13. That the Secretary of State, upon the enrollment of this act, shall certify a copy of the same to the clerk of the Superior Court of Montgomery County, who shall give general notice of a synopsis thereof by circular or other publication of its provisions to the public.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March A.D. 1925.

CHAPTER 417

AN ACT TO PROVIDE FOR 2 ADDITIONAL TERMS OF THE SUPERIOR COURT OF SURRY COUNTY FOR THE TRIAL AND HEARING OF CIVIL CAUSES ONLY.

The General Assembly of North Carolina do enact:

Additional terms of court.

SECTION 1. That there shall be held for the county of Surry, in addition to the terms of the court already provided for the county, the following regular terms of the court, to wit: A term of the court to begin on the first Monday after the first Monday in January, one thousand nine hundred and twenty-six, and annually thereafter, to continue for two weeks, for the trial of civil causes only; a term of the court to begin on the second

Monday after the first Monday in March, one thousand nine hundred and twenty-six, and annually thereafter, to continue for two weeks, for the trial of civil causes only.

SEC. 2. That the commissioners of Surry County shall draw for each term of the court, in accordance with the law, twenty-four jurors to be summoned by the sheriff of Surry County.

Summons.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 418

AN ACT TO PROMOTE THE PROTECTION OF GAME AND THE REGULATION OF FISHING AND HUNTING IN MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-five of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby repealed and the following enacted in lieu thereof:

Chapter repealed.

SEC. 2. That it shall be unlawful for any person, firm or corporation to kill squirrels in Madison County by shooting or otherwise except from the fifteenth of September to the first of December: *Provided*, that squirrels may be killed out of season in protection of growing crops.

In lieu.

SEC. 3. That it shall be unlawful for any person to kill any quail or bob-white in Madison County except between the twentieth day of November and the fifth day of January, and during the open season it shall be unlawful for any person to kill more than ten of these birds in one day or fifty in one season.

Close season.

SEC. 4. That it shall be unlawful for any person, firm or corporation to shoot or kill foxes in Madison County in any manner whatever except in chase with dogs for sport: *Provided*, that where it is reasonably certain that foxes are doing injury to fowls or farm animals the owner or owners of such fowls or farm animals may be permitted to kill these foxes by any means he or they may wish to use.

Limit in open season.

Unlawful.

Proviso.

SEC. 5. That it shall be unlawful for any person, firm or corporation to buy or sell pheasants, quail or partridge in Madison County.

Unlawful buy or sell.

Nonresident.

SEC. 6. That it shall be unlawful for any person, firm or corporation to ship or transport squirrels or pheasants, quail or partridge out of Madison County at any season, except a nonresident who has secured his hunting license as herein provided, and said nonresident shall be permitted only to carry or ship out the game which he has himself killed.

Written license
for
nonresident.

SEC. 7. That it shall be unlawful for any nonresident to fish or hunt in Madison County without first obtaining a written license from the clerk of the Superior Court of Madison County. The license fee for nonresidents shall be five dollars (\$5) per season. The cost of printing and preparing said license shall be paid from the fees obtained from same and all other funds received from said source shall be set aside in a special fund known as a "hunters license fund" and shall be appropriated by the commissioners of Madison County for the protection and increase of fish and game in said county: *Provided*, this section shall not apply to nonresidents owning real estate in Madison County, or to members of their immediate families, either resident or nonresident, hunting or fishing on his or their own premises.

Unlawful catch
fish by seine, etc.

SEC. 8. That it shall be unlawful for any person to catch fish with seine, drag-net, purse-net, or hauling-net, of any description. That any fish taken less than six inches in length shall be placed immediately back into the water.

Sheriff ex officio
game warden.

SEC. 9. That the sheriff shall be ex officio chief game warden and each and all of his deputies ex officio game wardens and it shall be a duty of the sheriff and his deputies to enforce the provisions of this act, and other acts pertaining to fish and game protection, such as dynamiting streams, putting sawdust in streams, etc., and who shall be paid for their services the sum of five dollars for each conviction, together with the regular officers' fees. The five dollars shall be taxed against the defendant convicted, as a part of the cost in the case.

Unlawful.

SEC. 10. That it shall be unlawful for any person to hunt upon the lands of any person, firm or corporation without the permission of the owner in writing.

Violation;
penalty.

SEC. 11. That any person, firm or corporation violating the provisions of this act shall be fined not less than fifteen dollars nor more than fifty dollars or imprisoned not over thirty days nor less than fifteen days.

'Hunters
license fund.'

SEC. 12. That all funds in excess of two hundred dollars which may be in the "hunters license fund" upon the ratification of this act shall be transferred to the general school fund and distributed to the school districts as nearly as possible in proportion to the amounts paid into said "hunters license fund" from said school districts.

SEC. 13. That this act shall apply to Madison County only.

Application
of act.

SEC. 14. That all laws and clauses or parts of laws in conflict with this act be and the same are hereby repealed.

Conflicting
laws repealed.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 419

AN ACT TO ESTABLISH A BUDGET SYSTEM FOR COUNTY OF HERTFORD AND THE PREPARATION AND REVIEW OF ESTIMATES FOR EXPENDITURES OF ALL DEPARTMENTS OF GOVERNMENT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of August, one thousand nine hundred and twenty-five, the board of commissioners of Hertford County shall appropriate no money except as hereinafter set out.

No appropriations

SEC. 2. That the board of commissioners shall make appropriations and expenditures only upon estimates of various departments of said county as approved and adopted by said board of commissioners at their first meeting in August of each and every year, and shall make no further expenditures for said year.

Appropriations
and expenditure.

SEC. 3. That it shall be the duty of the board to call upon the heads of the various departments to furnish an anticipated estimate of the necessary expenditures of their various departments during the ensuing year, and said heads of said departments shall furnish said estimate to said board at their first regular meeting in July of each year, which departments shall include roads, county home and outside poor, public health, county welfare, county farm demonstration agent, home demonstration agent, budget of the county school board, treasurer, expenses of board of commissioners and every other subdivision of government of Hertford County now created or which may be hereafter created, and each report of said department shall show, in addition to their anticipated needs for the year beginning August first and ending July thirty-first, a full and complete report of all expenditures in their respective departments and for what expended during the past year: *Provided, however,* only estimated expenditures may be required for the year ending July thirty-first, one thousand nine hundred and twenty-four.

Estimate of
expenditures.

Budget of
commissioners.

SEC. 4. That from the estimates so furnished by the department heads, the board of county commissioners of Hertford County shall make up a full and complete budget of expenditures for the ensuing year: *Provided, however,* said board of commissioners may cut down, or increase the anticipated expenditures of said departments as they may deem necessary, but shall not alter said budget when adopted.

Contents of
budget.

SEC. 5. That when said budget is adopted, it shall show the amount set aside for use and operation of each department during said year, and the same shall be charged to said department and shall be for the use of said department, and shall not be transferred to, or used by, any other department. That at the end of the year if a surplus remains in any department, said surplus so remaining shall be shown in the next report of said department, and shall be used as a part of the appropriation of said department for the ensuing year, provided said department is maintained, and if not, transferred to the general fund for reapportionment, among the other departments.

Ad valorem tax.

SEC. 6. That the board of commissioners shall, upon the adoption of said budget, levy a sufficient ad valorem tax upon all taxable property of said county to raise sufficient revenue to cover said appropriations shown in said budget, and in addition shall levy sufficient tax to pay the interest on all bonded indebtedness and a sufficient amount in addition to retire all bonds maturing during said year.

Book of
clerk of court.

SEC. 7. That all issues of bonds outstanding against said county shall be kept by the clerk of said county commissioners in a book prepared for said purpose, showing the nature and amount of said bonds, and for what issued and the interest account on said bonds, and all amounts collected to retire maturing bonds, so that said account will show a true statement of all bonds at all times.

Use of funds
created.

SEC. 8. That the funds created for any purpose under this act shall not be diverted to any other purpose, but shall remain to the credit of the department for which it is appropriated, except as herein provided.

Superintendent
made purchasing
agent.

SEC. 9. That the superintendent of the schools shall be designated as the purchasing agent of supplies for all schools of Hertford County under his supervision, and the clerk of the board of county commissioners is hereby designated the purchasing agent for all other departments of Hertford County, said purchases to be made upon requisition from the heads of the various departments: *Provided, however,* ordinary repairs to machinery may be purchased by heads of departments operating said machinery: *Provided, however,* same must be promptly reported to the clerk of the board of county commissioners. That it shall

be the duty of the clerk of the board of county commissioners to purchase all supplies of said county except school supplies, upon requisition made by the heads of said departments, same to be approved by the board of commissioners, and to be charged against the appropriation as shown in the budget for said department; that the superintendent of schools shall make a monthly report to the clerk of the county commissioners of all expenditures, and for what purpose, including salaries and fees, and the same shall be charged against school budget.

SEC. 10. That the clerk of the county commissioners of Hertford County shall secure proper books to keep the accounts of the various departments and shall keep the accounts of said county showing the allowances made to the various departments, and shall issue all vouchers in payment of bills of each department when approved by the board of commissioners, and shall charge each voucher to the department for whose benefit the same is issued, and shall render a monthly statement on the first Monday of each month, showing the condition of said account of each department, laying a copy before the board of commissioners and delivering a copy to the head of each department, and shall so keep the accounts that at the end of each month said accounts will show the funds to the credit of each department, that no department shall exceed the amount appropriated for its use as shown by said budget.

Proper books.

SEC. 11. That the cost of instituting said budget system, including books and clerical assistance, shall be included in the budget for the clerk to said board's department, and said board shall add to the general levy for taxes a sufficient amount to institute said system and shall provide annually necessary clerical assistance to the clerk of the county commissioners of Hertford County to carry out the intent of this act.

Cost of instituting budget system.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided, however*, that this act shall not affect any act relating to bonds of Hertford County heretofore enacted.

Conflicting laws repealed.

SEC. 13. That this act shall be in full force from and after its ratification, the first day of July, one thousand nine hundred and twenty-five.

Date of effect.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 420

AN ACT TO PROVIDE ADDITIONAL COMPENSATION TO THE CLERK OF THE SUPERIOR COURT OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Additional
compensation
clerk of court.

SECTION 1. That the clerk of the Superior Court of Surry County shall receive, in addition to the salary now provided for, the sum of one thousand dollars (\$1,000) per annum.

In event
county court.

SEC. 2. That in the event a county court shall be established by the board of commissioners of Surry County and the salary provided for the clerk of such court shall equal a thousand dollars, then such amount, as referred to in line three of section one, shall be in full compensation for services rendered in the county court by the clerk of the Superior Court.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 421

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF JONES COUNTY TO MAKE CERTAIN ALLOWANCES IN SETTLING WITH THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Additional
allowances to
sheriff.

SECTION 1. That the board of commissioners of Jones County be and it is by this act authorized to allow to the present sheriff of said county credit in such amount as to said board seems proper for taxes not collected for the years one thousand nine hundred and twenty, one thousand nine hundred and twenty-one and one thousand nine hundred and twenty-two, and such credit hereby authorized which may be allowed by said board shall be additional to credits heretofore allowed said sheriff for taxes not collected for the years one thousand nine hundred and twenty, one thousand nine hundred and twenty-one and one thousand nine hundred and twenty-two.

SEC. 2. That, in its discretion, the said board of commissioners is hereby authorized to allow the said sheriff of Jones County credit for any money belonging to Jones County and on deposit in the name of said sheriff in the Pollockville Banking and Trust Company when the said bank failed and went into liquidation: *Provided*, if said credit shall be allowed said sheriff, then

any dividends arising from the deposit mentioned shall be payable to the county.

SEC. 3. That, in its discretion, the said board of county commissioners may allow the said sheriff credit for commissions for taxes collected for the year one thousand nine hundred and twenty-two, and this commission, if allowed, shall be in addition to the commission heretofore allowed for collecting the one thousand nine hundred and twenty-two taxes.

Credit for commissions for taxes collected.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 422

AN ACT TO REPEAL CHAPTER 480, PUBLIC-LOCAL LAWS 1923, RELATING TO GAME AND FISH IN YANCEY COUNTY AND TO ENACT IN LIEU THEREOF A NEW GAME LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty, Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby repealed and in lieu thereof the following sections are hereby enacted:

Chapter repealed.

SEC. 2. That for the purpose of carrying out the provisions of this act the board of county commissioners of Yancey County shall constitute the game commission of Yancey County and it shall be their duty to discharge impartially all the duties imposed upon them by this act.

County commissioners made game commissioners.

SEC. 3. That the sheriff of Yancey County shall be ex officio chief game warden and each of his deputies shall be ex officio deputy game wardens, whose duty it shall be to issue hunter's licenses, receive payment for the same, arrest all violators of this act and the status of such game wardens shall be the same as other peace officers in so far as the enforcement of this act is concerned and said chief game warden and assistant game wardens shall receive no compensation for enforcing this act except as herein provided.

Sheriff ex officio game warden.

SEC. 4. That the chief game warden or the deputy game warden for each conviction under the game laws secured by such warden shall receive the sum of five dollars to be charged in the bill of costs in addition to the fees allowed by law for service of processes and other acts as constable in connection with any indictment or prosecution for violation of any of the game laws of Yancey County.

Additional fee.

- License fee. SEC. 5. That every nonresident of Yancey County hunting or fishing in Yancey County shall pay to said game warden an annual license fee of twenty-five dollars.
- License fees to go into general fund. SEC. 6. That all license fees collected by the chief game warden and his assistant game wardens shall be paid by them into the general county fund on the first Monday in each month and it shall be their duty to report on the first Monday of each month to the game commission of Yancey County under a sworn statement the amount so collected for the preceding month.
- Duty of game warden. SEC. 7. It shall be the duty of the game commission of Yancey County to cause to be printed on each license issued the game laws of Yancey County and the expense of such printing shall be paid from the moneys realized from license fees herein provided for.
- Blank license forms. SEC. 8. That on or before the first Monday in September of each year the county commissioners shall furnish the game warden with suitable blank license forms with space provided for the name of the applicant, age, and place of residence, the cost of said printing to be paid from the license fees herein provided for.
- Oath of office. SEC. 9. That every warden or deputy warden before entering upon the duties of his office shall take and subscribe before the clerk of the Superior Court an oath to perform the duties of his office faithfully and shall be liable upon his bond as sheriff or deputy sheriff. The clerk of the court shall not charge exceeding fifty cents for administering and recording the said oath.
- Trespass. SEC. 10. That it shall be unlawful for any person to enter upon or in any way trespass upon any fish or game preserve in Yancey County without the written consent of the owner or owners and any person violating this section shall be guilty of a misdemeanor and fined not less than one hundred dollars or imprisoned not exceeding four months.
- No game to be taken except as herein provided. SEC. 11. That no game, game bird, or fish may be taken in Yancey County except at such seasons and in such manner as herein provided. For deer, the open season shall extend from November one to December one, inclusive, and no person shall kill more than two deer in any one season, both of which shall be bucks; for quail, or partridge, pheasant, wild turkey, woodcock, and doves, the season is hereby closed for a period of two years from the date of the ratification of this act and thereafter the season shall be open from November ten to January ten, inclusive, and no person shall kill more than ten quail or partridge in any one day nor more than seventy-five in any one season nor more than four pheasants or woodcock in any one season nor more than two wild turkeys; for squirrels, open season from September fifteen to December thirty-one, inclu-

sive; for opossum, raccoon, bear and fox from October first to February first: *Provided*, that any of these animals may be killed out of season if found committing depredations on growing crops, or farm animals or poultry and foxes may be run with dogs from September first to February first but shall not be shot or killed; for speckled or brook trout the season shall be open from April first to August first and no person shall catch more than twenty-five in any day nor more than two hundred in any one season and any trout under six inches in length shall immediately be put back into the stream, and it shall be unlawful to take any fish at any time in any stream in Yancey County in any way except by hook and line. It shall be unlawful for any person to kill any fish in any stream in Yancey County by the use of dynamite or any other explosive and if a person shall be found using dynamite or other explosive for such purpose he shall be guilty of a misdemeanor and fined not less than one hundred dollars or imprisoned not less than sixty days or both in the discretion of the court.

SEC. 12. The game commission of Yancey County is hereby granted power to revoke any license issued to any person for the purpose of hunting or fishing upon conviction of such person for the violation of any part of this act.

Power to
revoke license.

SEC. 13. That any game bird protected by Federal statute shall be taken only at such time and in such manner as prescribed by Federal statute.

Game bird.

SEC. 14. That the commissioners are hereby authorized to cooperate with the Federal and State authorities in any and every way that to them seems best in the enforcement of this act and looking to the propagation and protection of game and fish in Yancey County.

Commissioners
given authority.

SEC. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting
laws repealed.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 423

AN ACT TO APPOINT A BOARD OF HIGHWAY COMMISSIONERS FOR JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That J. H. Wilson of Sylva Township, A. L. Owen of Canada Township, and William Patton of Qualla Township, be and the same are hereby appointed as a board of highway

Highway
commissioners
appointed.

Terms of
office.
Per diem
and mileage.

commissioners for Jackson County, whose term of office shall be for a period of two years and until their successors are qualified: *Provided*, that in addition to the regular monthly meetings as now provided by law for said board, not exceeding twelve special meetings per annum, shall be held by said board; and *provided further*, that the members other than the chairman shall receive no per diem or mileage except for the aforesaid regular and special meetings.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 424

AN ACT TO PROVIDE A UNIFORM SYSTEM FOR RECORDING MAPS AND PLATS IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Books for
recording maps
and plats.

SECTION 1. That the board of commissioners of McDowell County be and they are hereby authorized and directed to have prepared, for use in the office of the register of deeds of said county, books on which all maps or plats of land or subdivisions of land shall be recorded, as hereinafter provided, which books shall be designated as "plat books for the county of McDowell," and numbered, and shall be bound in a substantial manner, and the leaves or sheets thereof shall be approximately eighteen inches by twenty-four inches and shall be made of tracing or linencloth, suitable for tracing or making of such maps or plats, and that the same shall be as compact and convenient for use as possible.

"B. Burgin
map."

SEC. 2. That the original map or plat of the town of Marion, known as the "B. Burgin map," now in the custody of the register of deeds of McDowell County, be and the same is hereby validated in as full and ample manner as if the same had been duly probated and recorded as provided by law; said B. Burgin map being indistinct, the copy thereof, now in the custody of the register of deeds of said county and endorsed "R. F. Barnes, register of deeds," be and the same is hereby validated in as full and ample manner as if it were the original properly recorded; and all other maps or plats of lands or subdivisions of land, or blue prints thereof, now filed in the office of the said register of deeds, whether attached to or transcribed upon any deed book or map book, be and the same are hereby validated

in as full and ample manner as if they were the originals properly recorded as provided by law.

SEC. 3. That the board of commissioners of McDowell County be and they are hereby authorized and directed to have the said original map of the town of Marion and the copy thereof, hereinbefore described, and each and all other maps or plats of lands or subdivisions of land, or blue prints thereof, whether attached to, transcribed upon or filed in any and all deed or plat books in the office of the register of deeds of said county, to the date of the passage of this act, copied with black water-proof drawing ink in such plat books for the county of McDowell, hereinbefore authorized, and on the sheet or sheets in which the copy thereof shall be transcribed shall be shown the book and page from which the copy was made, and for these purposes the said board of commissioners are authorized and empowered to employ a civil engineer or a draftsman, or to designate the county surveyor, to do the work of transcribing such maps or plats, and said commissioners shall fix the compensation therefor and pay the same out of the general funds of the county. That in copying said maps or plats the scale shall be increased to, or may be reduced to not less than one hundred and fifty feet to the inch, and if, when so increased or reduced, any map cannot be conveniently transcribed on one sheet the said map or plat may be transcribed in sections on separate sheets, and the register of deeds of the said county shall verify and, upon verification, shall endorse on the record of each map transcribed the words "verified and approved," and shall sign his name as such register of deeds, and when said maps or plats, or blue prints thereof, and the copy of the said B. Burgin map, shall have been transcribed and certified and approved the same shall be admissible as competent evidence in any court with the same effect as if it were the original properly recorded.

Original map
of the town.

Civil engineer.

SEC. 4. That from and after the passage of this act any person, firm or corporation desiring to record in said county any map or plat of land, or subdivisions thereof, shall record the same by having a correct copy thereof transcribed in black water-proof drawing ink upon the plat books for the county of McDowell in the office of the register of deeds for said county, and deliver to the register of deeds one blue print or copy thereof to be filed and indexed, and no such map or plat shall hereafter be recorded in said office except by having a true copy transcribed as aforesaid on a scale of not less than one hundred and fifty feet to the inch, and unless the lines and courses and distances of the boundary subdivided, or boundary, together with at least

Maps of plats
recorded.

one natural or definite object called for in the description thereof and reference to the record of the deed for the boundary from which the subdivision is made to be shown thereon, and blue print or copy filed, as above required, which map or plat shall be accompanied by proof under oath by the surveyor or engineer making such map or plat or subdivision that the same is in all respects correct and was prepared by an actual survey by him made, giving the date of the survey and the variation of the magnetic needle, and the register of deeds shall endorse on the record thereof the date of filing and shall sign the said record in his official capacity. In the event the boundary subdivided is of such size as will not conveniently admit of transcribing on one sheet the same may be transcribed in sections on separate sheets and one proof by the surveyor or engineer shall be sufficient for the entire subdivision. When said map shall have been transcribed upon said plat books and record thereof made by the register of deeds, same shall be admissible as competent evidence in any court as if it were probated and recorded as provided by the general law. That blue prints or copies of maps filed, as herein required, after the passage of this act, shall be put in book form and indexed for general reference.

Index.

SEC. 5. That the register of deeds of McDowell County shall prepare an index of all maps or plats herein authorized to be transcribed, which index shall show the book and page of the record from which the copy is made and the book and page where the transcribed copy is recorded, and shall further index each map or plat filed after the passage of this act.

Cost of transcribing.

SEC. 6. That the register of deeds of McDowell County, in addition to the recording fee, shall be authorized to charge and collect and shall collect from such person, firm or corporation having such map or plat recorded, as aforesaid, the actual cost of transcribing such map or plat in such book of plats.

Recording fee.

SEC. 7. That the register of deeds of McDowell County shall be and is hereby authorized to collect the recording fee of one dollar for each map or plat recorded after the passage of and under the provisions of this act.

Application.

SEC. 8. That from and after the passage of this act the register of deeds of McDowell County shall receive or file no map or plat except in compliance with the provisions of this act.

Conflicting laws repealed.

SEC. 9. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 425

AN ACT TO PROVIDE SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the fees of the clerk of the Superior Court, Person County, whether he is paid for his services on a salary basis or in lieu of salary receives the fees, shall be the following, and no other, for the services designated herein, namely:

Fees of
clerk of court.

Advertising and selling under mortgage in lieu of bond, two dollars for sales of real estate and one dollar for sales of personal property.

Affidavits, including jurat and certificate, fifty cents.

Appeal from justices of the peace, or from any court inferior to the Superior Court, one dollar.

Appeal from the clerk to the judge, one dollar.

Appeal to the Supreme Court, including certificate and seal, two dollars.

Appointing and qualifying justices of the peace, to be paid by the justice, twenty-five cents.

Apprenticing infant, including indenture, one dollar.

Attachment, order in, fifty cents.

Auditing account of receiver, executor, administrator, guardian or other trustee, required to render accounts, if not over three hundred dollars, fifty cents; if over three hundred dollars and not exceeding one thousand dollars, eighty cents; if over one thousand dollars, one dollar.

Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustees, for all sums not exceeding one thousand dollars; for all sums over one thousand dollars, one-tenth of one per cent on such excess; but such fees shall not exceed twenty dollars, unless there be a contest, when the clerk shall have one per cent on the said excess over one thousand dollars; but in no instance shall his fees exceed thirty dollars.

Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final accounts of executors.

Bills of cost, preparing same, fifty cents.

Bond on undertaking, including justification, seventy-five cents.

Canceling notice of lis pendens, twenty-five cents.

Capias, each defendant, one dollar.

Capias, when the defendant is not arrested thereunder, shall be one-half fees.

Caveat to a will, entering and docketing same for trial, one dollar and fifty cents.

Certificate (including certificate on indictment), except where it is a charge against the county, fifty cents; and where it is a charge against the county, the fee shall be one-half.

Commission, issuing, seventy-five cents.

Continuance, in criminal cases, thirty cents for each defendant; and fifty cents in civil cases.

Docketing ex parte proceedings, one dollar.

Docketing indictments, twenty-five cents.

Docketing liens, twenty-five cents.

Docketing warrants, fifty cents.

Docketing judgment, in criminal cases, fifty cents, in civil actions, fifty cents.

Docketing summons, fifty cents.

Execution and return thereon, including docketing, one dollar; and certifying return to clerk of any county where judgment is docketed, twenty-five cents.

Filing all papers, twenty-five cents for each case.

Filing and recording report of sales by commissioner and trustees, two dollars.

Guardian, appointment of, including taking bond and justification, one dollar.

Impaneling jury, twenty-five cents.

Indexing judgment on cross-index book, twenty-five cents for the judgment regardless of number of parties.

Indexing liens on lien books, ten cents.

Indexing lis pendens, ten cents, if required to be indexed.

Indictment, each defendant in the bill, one dollar.

Injunctions, order for, including taking bond or undertaking and justification, one dollar.

Judgment, final, in term time, civil action, each defendant, one dollar.

Judgment, final, against each defendant, in a criminal action, one dollar.

Judgment, final, before the clerk, one dollar.

Judgment by confession, without notice, all services, three dollars.

Judgment in favor of widow for year's support, fifty cents, and docketing same, twenty-five cents.

Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents.

Juror ticket, including jurat, ten cents.

Justification of securities on any bond or undertaking except as otherwise provided (each) fifty cents.

Letters of administration, including bond and justification of securities, one dollar and fifty cents.

Motions, entry and record of, in civil action, fifty cents; in criminal action, each twenty-five cents.

Notices, twenty-five cents, and for each name over one in same paper, ten cents additional.

Notifying solicitors of removal of guardian, one dollar.

Order enlarging time for pleading in special proceedings, and civil actions, twenty-five cents; and for all other interlocutory orders therein, fifty cents.

Order of arrest, each defendant, one dollar.

Order for appearing of apprentice, on complaint of master, one dollar; for appearing of master, on complaint of apprentice, one dollar.

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, except a chattel mortgage, twenty-five cents.

Postage, actual amount necessarily expended.

Presentment, each person presented, ten cents.

Probate of a short form of lien bond, or lien bond and chattel mortgage combined, fifteen cents.

Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate, twenty-five cents.

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.

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.

Probate of limited partnership, fifty cents.

Probate of will in common form, and letters testamentary, one dollar and fifty cents.

Qualifying justice of the peace, to be paid by the justice, twenty-five cents.

Qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents.

Recognizance, each party where no bond is taken, twenty-five cents.

Recording and copying papers, eighty cents for first three copy sheets, and fifteen cents for each additional copy sheet.

Recording names, qualification and expiration of term of office of justice of peace, five cents for each name.

Registering trained nurses, including certificate of registration, fifty cents.

Recording certificate of incorporation of corporations, three dollars.

Recording names of jurors as required by law, five cents for each name.

Registering doctors, including certificate of registration, one dollar.

Resignation of guardian, relinquishment of right to administer, or to qualify as an executor, receiving, filing and noting same, twenty-five cents.

Seal of office when necessary, fifty cents.

Subpœna, each name, twenty-five cents.

Summons, in civil actions, or special proceedings, including all names therein, one dollar and fifty cents; every copy thereof, twenty-five cents.

Transcript of judgment, seventy-five cents. With seal, one dollar.

Transcript of any matter of record or paper on file, per copy sheet, twenty cents.

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Warrant, one dollar.

Witness ticket, including jurat, ten cents.

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, executions, and deposits and upon the excess over five hundred dollars of such sums, under article three of chapter fifty-four of Consolidated Statutes, one per cent.

Bill repealed.

SEC. 2. That House bill three hundred and forty-one, Senate bill two hundred and fifty, session one thousand nine hundred and twenty-five, is hereby repealed.

Conflicting laws repealed.

SEC. 3. 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. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 426

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF GREENE COUNTY, THE STATE HIGHWAY COMMISSION AND THE HIGHWAY COMMISSION OF GREENE COUNTY TO ARRANGE AND COMPLETE A SETTLEMENT OF THE DEMANDS AGAINST THE BANK OF GREENE, FORMERLY THE FIRST NATIONAL BANK OF SNOW HILL, FORMER FINANCIAL AGENT OF GREENE COUNTY, WITH REFERENCE TO A DEPOSIT OF \$300,000 DEPOSITED WITH SAID FINANCIAL AGENT FOR PURPOSES OF BUILDING CERTAIN HARD SURFACE ROADS ON THE STATE HIGHWAY SYSTEM IN GREENE COUNTY.

Whereas, the Bank of Greene, a banking corporation now functioning under the laws of the State of North Carolina, formerly the First National Bank of Snow Hill, at one time functioning under the statute of the United States of America, under which authority and through and by its election by the board of commissioners of Greene County to the office of county financial agent for Greene County, an office of trust doing and performing the duties of county treasurer for the terms beginning on the first Monday in December, one thousand nine hundred and sixteen, and continuing to the eighth day of January, one thousand nine hundred and twenty-three, received from the sheriff of Greene County and other officers, persons and corporations, sums of money placed and deposited in its hands or vaults, to the credit of Greene County; and

Preamble.

Whereas, among such sums of money so placed or deposited in the hands or vaults of said financial agent the said First National Bank of Snow Hill, now the Bank of Greene, there was made in said bank to the credit of Greene County a short time after July first, one thousand nine hundred and twenty-one, a deposit of three hundred thousand dollars (\$300,000), part of the proceeds of five hundred and fifty thousand dollars (\$550,000) loaned to the county of Greene (bond issues); and

Whereas, on or about the sixth of November, one thousand nine hundred and twenty-two, the said State Highway Commission and the highway commission of Greene County entered into a contract or agreement whereby the said sum of three hundred thousand dollars (\$300,000) should be used and expended in the building of ten miles of hard surface roads in Greene County, to wit: five miles from Snow Hill towards Farmville and five miles from Snow Hill towards Goldsboro; and

Whereas, it was intended by the board of commissioners of Greene County that the said sum of three hundred thousand dollars (\$300,000) should be set apart and so expended in the building of said hard surface roads in said county of Greene; and

Whereas, on or about the twenty-ninth day of November, one thousand nine hundred and twenty-two, the highway commission of Greene County directed the delivery and payment of the said sum of three hundred thousand dollars (\$300,000) so deposited as aforesaid unto the State Highway Commission; and

Whereas, on or about said date, the twenty-ninth day of November, one thousand nine hundred and twenty-two, the county of Greene, through and by an order of the board of commissioners of Greene County caused to be issued its order or warrant, "payable to the order of State Highway Commission, Frank Page, chairman," in the sum of "three hundred thousand dollars (\$300,000)" for the said purpose of building said two sections of State highway in Greene County; and

Whereas, immediately thereafter the First National Bank of Snow Hill at the time financial agent of Greene County issued an evidence of deposit, to wit: a pass book in which the said sum of three hundred thousand dollars (\$300,000) was placed to the credit of the State Highway Commission in said bank; and

Whereas, certain directors of the said First National Bank of Snow Hill, signed or endorsed a paper-writing apart from said pass book guaranteeing the payment to the said State Highway Commission the said deposit of three hundred thousand dollars (\$300,000), so placed to its credit and order, as aforesaid, the said pass book and the paper-writing guaranteeing payment thereof being given or taken in exchange for said order or warrant of the board of commissioners of Greene County payable to the State Highway Commission, Frank Page, chairman; and

Whereas, the said First National Bank of Snow Hill, now the Bank of Greene, on account of its holding a very great number of papers and securities, not presently in shape or condition for collection or liquidation, is unable to meet the demands of the State Highway Commission for the payment of the said sum of three hundred thousand dollars (\$300,000), demanded of it for the building of said sections of the State highway in Greene County; and

Whereas, the board of commissioners of Greene County, the State Highway Commission and the highway commission of Greene County, fully realize that the said former financial agent, the First National Bank of Snow Hill, now the Bank of Greene, cannot collect or liquidate its papers and securities and convert

them into such an available amount as will secure the building of said sections of said State highway according to said contract made therefor; and

Whereas, it is not the plans nor purposes of the said board of commissioners, the said State Highway Commission and the highway commission of Greene County to force the collection of the said sum of three hundred thousand dollars (\$300,000), so deposited as aforesaid, at this time, when it is regarded by them all as impracticable and that it would result in the possible closing of the Bank of Greene and the probable loss to the county of Greene and the highway commission of a great portion of said amount so deposited as aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Greene County is hereby authorized and fully empowered in its discretion to receive from the State Highway Commission the evidence of deposit, to wit: a pass book, with the sum of three hundred thousand dollars (\$300,000) credited therein to the order of the State Highway Commission, and the accompanying guaranty thereto attached, signed and endorsed by certain directors as set out in the preamble of this act; and that any and all claims or demands against said State Highway Commission shall be completely and finally released and discharged by reason of its acceptance and holding said evidence of deposit, to wit, said pass book, and said accompanying guaranties and endorsements, if in the discretion of said board of commissioners it shall be deemed wise and advisable; and said board of commissioners shall have the right and power to arrange and complete any adjustment or compromise of these matters in any such way as shall be deemed by it to be wise or advantageous.

Pass book.

SEC. 2. That the board of commissioners of Greene County is hereby authorized and fully empowered to arrange and give terms unto the said Bank of Greene, successor to the First National Bank of Snow Hill, former financial agent of Greene County, as to the settlement and discharge of the obligation owing by it on account of the said sum of three hundred thousand dollars (\$300,000) deposited as set out in the aforesaid preamble of this act.

Settlement of obligation.

SEC. 3. That express authority and power is hereby granted to the said board of commissioners of Greene County to extend the time of the payment of the said sum of three hundred thousand dollars (\$300,000) under such terms and conditions as shall appear wise and safe to said board of commissioners, and that in its discretion it shall have power and authority to divide the said sum into such installments for payment as may be agreed

Commissioners authorized to extend time of payment.

between the said bank and the said board of commissioners, and that the said board of commissioners is hereby authorized and empowered to fix the rate of interest on the said debt and to provide for payment thereof at such times as it shall be deemed wise and expedient.

Commission
not accountable.

SEC. 4. That no member of said board of commissioners nor any member of either the State Highway Commission or the said highway commission of Greene County shall be held accountable to the said county of Greene, the said State Highway Commission or the highway commission of Greene County in any sum of money whatsoever, or to do any particular thing whatsoever by reason of any act that any of them shall do by reason of the authority and power granted and provided for under this act, except as shall appear and apply in the terms of agreement made among them in a settlement or compromise of the matters herein set out.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 427

AN ACT TO PROVIDE FOR THE AUSTRALIAN BALLOT FOR THE COUNTY OF ASHE.

The General Assembly of North Carolina do enact:

Ballots.

SECTION 1. All ballots cast in any election in Ashe County held under the provisions of this act, general, special, or primary, or in any vote upon a constitutional amendment or question submitted to the people, whether it be a State, district, county, township, shall, subject to the succeeding provisions hereof be prepared, printed, and distributed in the manner hereinafter set forth, and in no other.

Seven kinds
of ballots.

SEC. 2. There shall be seven kinds of ballots, called respectively, official ballot for presidential electors, official general ballot, official township ballot, official township ballot, official ballot on constitutional amendment (or proposition submitted), official township ballot. They shall be used for the purpose for which their names severally indicate, and not otherwise, that is to say:

On the official ballot for presidential electors the names of the candidates for presidential electors of each party, and of each group of independent candidates, if any, shall be printed in one column, indicating first, the candidates for electors at large, whose names shall be printed in the alphabetical order or sur-

names; and second, the candidates for electors of each district arranged in numerical order of their districts. The party columns may be separated by black lines. At the head of each party column may be printed the party name in large type, and below this circle one-half of an inch in diameter; below this the names of the candidates of that party for president and vice president; below this the names of the candidates in order prescribed above. At the left of the name of each elector shall be printed a voting square. All the voting squares shall be printed in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle." The columns for independent candidates shall be similar to the party columns, except that above the emblem in each column shall be printed the words, "Independent candidate." The columns shall be arranged upon the ballots as directed by the county board of elections.

Form of ballots.

On the face of the ballot, at the top, shall be printed in heavy black type the following instructions:

1. To vote for all the electors of any one party, make a cross (x) mark in the circle above the party columns.
2. To vote for some but not all the electors of one party, make a cross (x) mark in the square at the left of the name of every candidate printed on the ballot for whom you wish to vote. If you mark any one elector you must mark all for whom you wish to vote. A mark in the circle will not be counted if any one elector is marked.
3. Mark only with a pencil having black lead.
4. Any other mark or erasure or tear on the ballot renders it void.
5. If you tear or deface or wrongly mark this ballot, return it and obtain another.

Instructions.

On the back of the ballot just to the right of the center and outside when the ballot is folded shall be printed the following endorsement, the blanks being properly filled:

Official Ballot for Presidential Electors.

County of.....
(date of election)

B. On the official general ballot shall be printed the names of all candidates for public office except candidates for presidential electors, township offices, and the names of the candidates for all public offices, other than those excepted above, of each party and each group of independent candidates, if any, shall be printed in one column and the party columns may be parallel to each other, and may be separated by black lines, at the head of each party column shall be printed the party name and under this

shall be a blank circle one-half of an inch in diameter, which party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle." The columns for the independent candidates shall be similar to the party columns, except that above each column shall be printed the words "Independent candidate." In each party column the names of all nominees of that party shall be printed in the customary order of the office, and the names of all candidates of each party for any one office shall be printed in a separate section, and at the top of each section shall be printed on one line the title of the office and a direction as to the number of candidates, for whom a vote may be cast, unless there shall not be room for the direction, in which case it shall be printed directly below the title. If two or more candidates are nominated for the same office for different terms, the term for which each is nominated shall be printed as a part of the title for the office. Each section shall be blocked in by black lines and the voting squares shall be set in a perpendicular column or columns to the left of each voter's name. The printing on said ballot shall be plain and legible, and in no case shall it exceed in size eight-point type.

On top of the face of the ballot shall be printed the following instructions:

Instructions.

1. To vote a straight ticket make a cross (x) mark in the circle of the party you desire to vote for.
2. To vote for some but not all the candidates of one party, make a cross (x) mark in the square at the left of the name of every candidate printed on the ballot for whom you wish to vote. If you mark any one candidate you must mark all for whom you wish to vote. A mark in the circle will not be counted if any one candidate is marked.
3. Mark only with a pencil having black lead.
4. Any other mark, erasure, or tear on this ballot renders it void.
5. If you tear or deface or wrongly mark this ballot, return it and get another.

On the back of the ballot and just to the right of the center and outside when the ballot is folded shall be printed the following endorsement, the blanks being properly filled:

Official General Ballot.

County of
(date of election)

C. On the official township ballot shall be printed the names of all candidates for township offices. It shall conform as nearly

as possible to the rules prescribed for printing the official general ballot. But on the back thereof shall be printed:

Official Township Ballot.

County of _____ (township)
 _____ (date of election)

D. On the official ballot on constitutional amendment (or proposition submitted) shall be printed each amendment or proposition submitted in the form laid down by the Legislature, county commission, convention, or other body submitting such amendment or proposition. Each amendment or proposition shall be printed in a separate section and the sections shall be numbered consecutively, if there be more than one. At the left of each question shall be printed two voting squares, one above the other, each at least one-fourth ($\frac{1}{4}$) inch square. At the left of the upper square shall be printed the word "Yes," and at the left of the lower square shall be printed the word "No." At the top of the ballot shall be printed the following instructions:

1. To vote "Yes" on any question, make a cross (x) mark in the square to the left of the word "Yes."
2. To vote "No" on any question make a cross (x) mark in the square to the left of the word "No."
3. Mark only with a pencil having black lead.
4. Any other mark, erasure, or tear on this ballot renders it void.
5. If you tear or deface or wrongly mark this ballot, return it and get another.

On the back of each ballot shall be printed:

Official Ballot on Constitutional Amendment.
 (or proposition submitted)

County of _____ (date of election)

E. There shall be one form of official general primary ballot for each political party, upon which shall be printed the names of all candidates for nomination by that political party who are or may be required by law to be nominated in the official primaries, except the names of candidates for township or city offices. The ballots of no two parties shall be of the same color; the county board of elections of the county in which the primary is to be held shall designate the color of ballot for each party; each ballot shall be printed in sections in which the candidates' names with the voting squares shall be boxed in by black lines. Sections may be printed in as many columns as may be necessary. The voting squares shall be bounded by black lines and shall be

Form
 of ballots.

set in perpendicular line. The size and type of printing shall be plain and legible, but in no case shall larger type be used than eight-point type. The names of all candidates for any one office shall be printed in a separate section, and the section shall be in the same order as upon the official general ballot. The names of candidates shall be printed in their approximate sections and shall be printed in the alphabetical order of the surnames, and in case two candidates for the same office have surnames beginning with the same letter of the alphabet, the chairman of the board of elections shall select by lots in the presence of the candidates interested the one whose name shall be printed first on the ballot. The voting squares and arrangements of the official primary ballot and the size of type used shall be the same as prescribed for the official general ballot of section four of this compilation.

Official
primary
ballot.

On the top of the face of the ballot shall be printed the following:

1. To vote for a candidate on this ballot, mark a cross (x) mark in the square at the left of his name.
2. Mark only with a pencil having black lead.
3. Any other mark, erasure, or tear on this ballot renders it void.
4. If you tear or deface or wrongly mark this ballot, return it and get another.

Immediately under the instructions shall be printed the following:

Official General Primary Ballot for State Offices.

Election of the.....party

On the back of the ballot shall be printed the following:

..... party
..... (party emblem)

Official General Primary Ballot.

County of
.....(date of primary)

Change of form.

SEC. 3. Notwithstanding any of the preceding provisions hereof, the county board of elections may, in their discretion, change the form of ballots hereinbefore provided for; and in their discretion may combine all of the several ballots hereinbefore provided for into one ballot; or may combine any two or more of them into one ballot, or may in their discretion permit ballots to be cast for township officers or constitutional amendments or propositions to be in the form heretofore in use. The county boards of election may cause by black ruled lines the names of candidates for presidential electors, State officers, to be kept separate with a designation by party circle up at the head of each of said divisions.

SEC. 4. All official ballots shall be printed with black ink on paper of good quality through which the printing and writing cannot be read, which paper, except in the case of partisan primary ballot, shall be white and shall in all cases be clear, legible, and easy to read, but the county board of elections shall not be required to print said ballot in larger type than eight-point type. All ballots of the same kind for the same polling place shall be precisely the same size, quality, and shade of paper and of precisely the same kind and arrangement of type and tint of ink. A different but uniform kind of type shall be used for printing the names of candidates, the title of offices, party names or political designations and the reading form or constitutional amendments or other questions submitted.

Ink.
Paper.
Type.
Size.

SEC. 5. Not less than twenty (20) days before any State-wide or district-wide election or vote upon any constitutional amendment or proposition, the State Board of Elections shall transmit to the county board of elections of each county in which any of the elections may by law vote upon any of the candidates, amendments, or propositions, a form to be used in printing the ballots to be used in such election or vote, which form shall be as herein prescribed. The State board shall upon such form exhibit the names of all candidates whose names are entitled to appear upon the ballot in the order in which they should appear, including the names of all such nominees as are upon the records of the State board and leaving blanks arranged in the proper order to be filled in by the county board with such names as are upon the record of the county board. Or if the vote be upon a constitutional amendment or question submitted, they shall upon such form exhibit the form of the amendment or question as prescribed by the proper authority. The State Board of Elections shall at the same time prescribe and transmit to the county boards of election such other rules as are necessary to carry out the provisions of this act. In case a nomination shall be made in accordance with law, either to fill a vacancy or otherwise, after such form shall have been transmitted, the State Board of Elections shall as soon as possible transmit such corrections as may be necessary.

Amendments
to be submitted.
Rules.

SEC. 6. All nominations for public office, whether to fill vacancies or original nominations made in accordance with the law otherwise than through the official primaries shall be by the body or persons making such nominations immediately certified to the State Board of Elections in the case of National, State or district offices.

Nominations.

SEC. 7. The county board of elections in each county shall be charged with the duty of preparing, printing and distributing

Board of
electors to
prepare ballot.

all ballots for general, special, and primary elections, and all ballots for constitutional amendments or propositions submitted, except ballots for city or town elections or votes.

Corrections
in ballot.

SEC. 8. When corrections in the ballot shall become necessary after the ballots shall have been printed, and it shall not be practicable to reprint, changes may be made by the county board of elections either by affixing poster or stamping or writing new matter upon each ballot. But all such changes shall be made upon each and every ballot, and in like manner upon each before it shall be delivered to the voter.

Delivery
of ballots.

SEC. 9. The county board of elections shall cause to be delivered to either of the judges of election not less than twelve hours before the time fixed for opening the polls one hundred twenty-five (125) ballots of each kind to be used in his precinct for every one hundred voters entitled to vote at such precinct. Such ballots shall be put in separate sealed packages of fifty (50) ballots each, plainly marked on the outside to indicate the polling place for which they are intended and the number of ballots, and the kind of ballots enclosed, and receipts therefor shall be given by the judge of elections to whom they are delivered, which receipt shall be preserved by the county board of elections.

Separate
ballot boxes.

SEC. 10. The county board of elections shall provide separate ballot boxes for each kind of official ballots and one additional box in which shall be deposited all defective, spoiled and mutilated ballots. Each shall be distinctly and appropriately marked. Each box shall be supplied with a sufficient lock and key with an opening in the top large enough to allow a single folded ballot to be easily passed through but no larger. These ballot boxes shall be delivered to either of the judges of election at the time when the official ballots are required to be delivered, and a receipt therefor shall likewise be given and preserved.

Voting.

SEC. 11. The county board of elections shall provide in each polling place during each election or vote a sufficient number of voting booths, not less than one for every one hundred (100) registered voters. Each booth shall be at least three (3) feet square, shall have four (4) sides enclosed and at least six (6) feet high, and the one in front shall open and shut by a door swinging outward or be enclosed with a curtain, which door or curtain shall extend within two feet of the floor. Each such booth shall contain a shelf at least one foot wide extending across one side of the booth at a convenient height for writing. Each booth shall be furnished with such supplies and conveniences, including pencils having black lead only, as will enable the voters conveniently to prepare their ballots for voting. Each booth shall be kept clearly lighted by candle or other arti-

facial light, if necessary. A guard-rail shall be placed at each polling place at least ten feet away from the ballot boxes and the booths, and no ballot box or booth shall be placed within ten feet of such rail. Each guard-rail shall be provided with a place for entrance and exit. The arrangement shall be such that the booths can only be reached by passing within the guard-rail, and that the booths, ballot boxes, election officers, and every part of the polling place, except the inside booths, shall be in plain view of the election officers and the persons just outside the guard-rail. Such booths shall be so arranged that there shall be no access to intending voters to the booth through any door, window, or opening except by the door in front of the booth.

Booths.

The county board of elections may provide buildings by lease or otherwise in which the elections are to be conducted, or they may cause a space not more than one hundred feet from the ballot boxes to be roped off in which space no person shall be allowed to enter, except through a way not exceeding three feet in width for the entrance and exit of voters. They may prescribe the manner in which the place for holding election shall be prepared in every precinct so as to properly effectuate the purpose of this act.

Buildings.

The county board of elections may designate a polling place inside of the precinct or township for which the election is held, and shall be entitled to demand and use any school or other public building for the purpose of holding any election and require that it be vacated for such purpose.

Polling place.

SEC. 12. The judges of election and registrar of each precinct shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required and shall proceed to arrange the space within the guard-rail and booths for the orderly and legal conduct of the election. They shall then and there have the ballot boxes, the sealed packages of official ballots, the registration books, the polling books, and the required stationery. They shall see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the authorized watchers present to examine them, and shall lock them again while empty. After such boxes are relocated they shall not be unlocked or opened until the closing of the polls, and except as authorized by law, no ballots or other matter shall be placed in them. They shall select one of the judges of election to deliver the ballots to the voters, and the other to receive them and deposit them in the ballot boxes. They shall then take the oaths hereinafter prescribed. Thereupon they shall open the sealed packages of ballots and one of the judges

Meeting of
judges of
election.

shall make proclamation that the polls are open and of the time when they will be closed.

Official ballots
to be kept inside
guard rail.

SEC. 13. From the time of the opening of the polls until the announcement of the result of the canvass of the votes and the signing of the official returns, the boxes and all the official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period except registrar and judges of election, persons admitted by the judges of election to preserve order and enforce the law, and persons duly admitted for the purpose of voting: *Provided, however,* that candidates voted for at such polling places may be present at the final canvass of the votes.

Proviso.

Challenges.

SEC. 14. The chairman of the executive committee of each political party may furnish to the chairman of the county board of elections, in writing, at least ten days before an election, the names of three people of good moral character, from each of which lists the county board of elections shall appoint a challenger to attend to each polling place; upon the failure to furnish said list the county board of elections may select and appoint some person or persons of good moral character to act as challenger; upon failure of any of the challengers so appointed to attend and serve, or upon failure of the county board of elections to appoint, the registrar at each voting precinct shall appoint one challenger of the same political party to fill said vacancies. And at any vote upon a constitutional amendment, or proposition submitted, the judges of election and registrar shall appoint one challenger who is for and one who is against the amendment or proposition. No person shall be appointed as challenger who is not of good moral character, and the judges of election and registrar may reject any appointee, and require that another be appointed, or appoint one themselves if said rejection is done on election day.

No loitering.

SEC. 15. No person shall, while the polls are open at any polling place, loiter about or do any electioneering within such polling place or within one hundred feet thereof, and no political banner, poster, or placard shall be allowed in or upon such polling place during the day of the election or vote.

Voting.

SEC. 16. While the polls are open the voters entitled to vote and who have not previously voted thereat may enter within the guard-rail for the purpose of voting, in such order that there shall not be at any time within the guard-rail for the purpose of voting more than twice as many voters as there are voting booths. The voter shall enter through the entrance provided, and shall forthwith give to the judges of election his name and residence. One of the judges shall thereupon announce the name and residence of the voter in loud and distinct tone of

voice. The registrar shall at once announce whether the name of such voter is duly registered. If he be registered, and be not challenged, or if he be challenged and the challenge decided in his favor, or if he take the requisite oath and be lawfully entitled to vote, the proper judge of election shall prepare for him one official ballot of each kind folded by such judge in the proper manner for voting, which is: first, bring the bottom of the ballot up to the margin of the printing at the top of the ballot, allowing the margin to overlap; and second, fold both sides of the center, so that when folded the face of the ballot except the one-inch margin at the top thereof shall be concealed, and so that the ballot shall be not more than four inches wide. Such judge shall then instruct the voter to refold the ballot in the same creases when he has marked it. Such judge shall then with pen and ink mark upon the top margin of the face thereof the number of the voter upon the polling list and the initials of such judge's name, and shall thereupon deliver the ballot or ballots to the voter. No person other than such designated judge shall assume to deliver to any voter any ballot.

SEC. 17. On receiving his ballot or ballots the voter shall forthwith, and without leaving the enclosed space, retire alone, unless he be one that he is entitled to assistance as hereinafter provided, to one of the voting booths, and without undue delay unfold and mark his ballot. It shall be unlawful to deface or tear an official ballot in any manner, or to erase any name or mark written thereon by a voter. If a voter wrongly mark, deface, or tear a ballot he may obtain others successively one at a time, but not more than two of any one kind, upon returning to the judge each ballot so spoiled.

Voting alone.

SEC. 18. The voter shall mark his ballot with a pencil having black lead only, as follows, and not otherwise:

Rules for marking.

(a) To vote for an entire group of presidential electors or a straight ticket of any party by means of a single mark, he shall make a cross (x) mark in the circle above the party column.

(b) If a voter makes a cross (x) mark in the circle above a party column and also makes a cross (x) mark in one or more voting squares at the left of the names of one or more presidential electors or candidates, he shall be deemed to have voted for the electors or candidates whose names are thus specially indicated, and also for all the electors or candidates whose names are in the column so marked in the circle except those whose names are opposite the names so specially indicated.

(c) To vote on any constitutional amendment or question submitted he shall make a cross (x) mark in the appropriate voting square at the left of the question as printed on the ballot.

(d) A cross (x) mark shall consist of any straight line crossing any other straight line at any angle within a voting circle or square. Any mark other than a cross mark or any erasure of any kind shall make the ballot void; but no ballot should be declared void because a cross (x) mark thereon is irregular in character. Any ballot which is defaced or torn by the voter shall be void.

(e) If a voter shall do any act extrinsic to the ballot itself, such as enclosing any paper or other article in the folded ballot, such ballot shall be void.

(f) If the voter marks more names than there are persons to be elected to an office, or if for any other reason it is impossible to determine the elector's choice, his vote shall not be counted for such office, but shall be returned as a blank vote for such office.

(g) Where, in the case of a candidate for Governor, the candidate is nominated by more than one party and the voter makes a cross (x) mark in two or more voting squares, his vote for such candidate shall be counted, but he shall not be counted as voting with any particular party.

Voter to fold
ballot.

SEC. 19. When the voter shall have prepared his ballot or ballots, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, and keep it so folded, shall proceed at once to the judge of election designated to receive ballots and shall offer it to such judge. If a voter shall come out from a booth with a ballot not so folded as to conceal the face thereof his ballot shall be deposited in the box for spoiled ballots, and he shall be given another ballot and allowed again to enter the booth and prepare his ballot, but in no event shall any voter be given more than two ballots of any one kind. When the voter shall offer his ballot to the judge, such judge shall announce the name of the voter and the number written on its margin in a loud and distinct tone of voice. If such voter be not challenged and the challenge be decided in his favor, or if he takes the requisite oath and be then and there lawfully entitled to vote, and if his ballot or ballots are properly folded and have no mark or tear on the outside thereof, except the number written on the margin of the face thereof by the judge of election who delivered to him his ballot, together with the initials of such judge, and if such number is the same as his number on the polling book, and if the initials and number are apparently the same, without alteration, as those put upon the ballot by such judge, such judge shall receive such ballot or ballots and shall with a pair of scissors clip from the margin the written number and initials in plain view of the voter and without removing any other part of the ballot or in any way

effacing any part of the face thereof below the margin, and shall deposit each ballot in the proper ballot box: *Provided, however,* that if the voter shall have been challenged the number shall not be clipped from the ballot. The number so clipped from the ballot shall be carefully deposited in a receptacle prepared for the purpose and shall immediately upon the closing of the polls be totally destroyed without being examined or handled by any person whatever, except the judges of election. After voting the voter shall forthwith pass outside the guard-rail, unless he be one of the persons authorized to remain for purposes other than voting. No ballots, except official ballots bearing the official endorsement, shall be allowed to be deposited in the ballot boxes or to be counted, except as hereinafter provided. No official ballot folded shall be unfolded outside the voting booth until it is to be counted. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him. When a person shall have received an official ballot from the judge he shall be deemed to have begun the act of voting and if he leave the guard-rail before the deposit of his ballot in the box he shall not be entitled to pass again within the guard-rail for the purpose of voting.

The poll books required to be kept by the judges of election shall be delivered to the registrar, who shall deliver them to the chairman of the county board of elections and registrar of deeds, respectively, after the meeting of the board of county canvassers. No clerks or assistants for any judge or election officers shall be appointed in any precinct where there are less than four hundred registered electors, but in precincts with more than four hundred registered electors the chairman of the county board of elections may appoint a clerk for the registrar and others to keep the poll books aforesaid. In the event of failure of such chairman to make such appointments, the registrar may appoint such clerks.

SEC. 20. If for any cause the official ballots shall not be provided as required by law at any polling place upon the opening of the polls, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written made as nearly as possible in the form of the official ballot may be used, and shall be counted and treated as official ballots.

SEC. 21. Any voter who is obviously unable to enter the booths without assistance, or to mark his ballot, or through physical disability or through illiteracy do so, may have the assistance of such person hereinafter provided for such purpose who may enter the booth with such person and assist in preparing his ballot. The chairman of the county board of elections

Proviso.

Poll books.

In case supply is exhausted.

Physical disability of voter.

Assistance.

shall designate a sufficient number of persons of good moral character and of the requisite educational qualifications to assist voters in the preparation of the ballots; that the assistants or markers so appointed by the chairman of the county board of elections shall be appointed from each political party. That in case any marker should fail or neglect to act the registrar of the respective polling places in the county shall appoint some one to act in the place of such person failing or neglecting to act, but shall at all times appoint an equal number of each party. Such persons may remain within the enclosure prepared for the holding of elections, but shall not come within ten feet of the guard-rail except in going to or returning from the booth with any elector who has requested assistance. Such person so assisting shall not in any manner request or seek to persuade or induce any such voter to vote in any particular way, and shall not make or keep any memorandum of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person how in any particular such voter marked his ballot, unless he or they be called upon to testify in a judicial proceeding for a violation of the election laws. Each judge of election and registrar shall, before the opening of the polls, make oath that he will not in any manner request or seek to persuade or induce any voter to vote for or against and particular candidate or proposition, and that he will not keep or make any memorandum of anything occurring within the booth, except he be called upon to testify in a judicial proceeding for a violation of the election laws of this State. This oath shall be administered at the time hereinbefore prescribed by the registrar to the two judges of election and by one of them to the registrar. The same oath shall be taken by every person rendering such assistance. No voter shall otherwise than as herein provided ask or receive assistance from any person within the polling place of his ballot or divulge to any one within the polling place how he intends to vote or has voted.

Canvass
of votes.

SEC. 22. As soon as the polls are closed the judges of election and registrar shall publicly canvass and ascertain the votes, and shall not adjourn or postpone the canvass until it shall be fully completed. The room in which the canvass is made shall be clearly lighted and such canvass shall be made in plain view of the public. It shall be unlawful during the canvass to close the main entrance into the room in such manner as to prevent ingress or egress thereby.

Such canvass may be conducted in another room or place than that in which the election is held. It shall be lawful to exclude from the room where the canvass is conducted all persons other than election officials, official challenger and clerks, but the

entrance to such room shall be kept open. They shall, before opening the ballot boxes count all unused ballots of each kind and make and preserve an itemized record thereof; shall securely tie up all unused ballots and preserve them, to be returned to the county board of elections, for which return ballots a receipt shall be taken and preserved. They shall then open the box for spoiled ballots, shall assort, count and make and preserve a record of the number of each kind, and shall then tie up separately and distinctly mark or label each package, all of which shall be returned to the box, which shall then be relocked. They shall then, and not until then, open and canvass the ballot boxes one at a time, completing the canvass of one before opening another. They shall first count the ballots in each box when opened, without unfolding them except so far as to ascertain that each ballot is single, and shall compare the number of ballots with the number shown by the polling book to have been deposited therein. If the ballots found in any box shall be more than the number of ballots shown by the polling box to have been deposited therein, such ballots shall be replaced without being unfolded in the box from which they were taken, and shall be thoroughly mingled therein, and one of the judges designated by lot shall, without seeing the ballots and with his back to the box, publicly draw out as many ballots as shall be equal to the excess, and, without unfolding them, forthwith enclose them in an envelope, which he shall then and there seal and endorse "Excess ballots from the ballot box for.....," signing his name thereto, and such envelope with the excess ballots in it shall be placed in a box for spoiled ballots and a record of the number shall be made and preserved, with the record of unused and spoiled ballots. If two or more ballots shall be found in the box so folded together as to present the appearance of a single ballot, and if there is in such box an excess of ballots, they, or enough of them to reduce the ballots to the proper number, selection to be made without examination of any voting mark thereon, nor shall there ever be more than one ballot box for the reception of enclosed, sealed, endorsed, and placed with the spoiled ballots. If, however, there be lawfully more than one ballot box for the reception of ballots voted at the polling place, no ballot found in the wrong ballot box shall for that reason be rejected, but shall be placed in its proper box upon the count of the ballots in such box before the canvass, but it shall not be placed in such proper box until the count of such box shall have been made; and if by placing it in such box there will be created an excess in that box, it shall not be placed therein, but enclosed, sealed, endorsed, and placed with the spoiled ballots, and a record thereof made and preserved.

Count of
unused ballots.

Two or more
ballots folded
together.

Objection.

SEC. 23. If objection is taken to the counting of any ballot, the judges and registrars shall forthwith rule upon such objection; and if the objection is sustained or is insisted upon after the ruling, a memorandum of objection, the ruling, and the reasons therefor, shall be written with ink upon the back of each such ballot. All ballots which are not counted shall be enclosed in an envelope, which shall be sealed and endorsed, "Not counted," and a record shall be made upon the returns of the number of such ballots not counted. All ballots objected to but counted shall be likewise enclosed in an envelope, which shall be endorsed, "Objected to but counted," and a record shall be made upon the returns of the number of such ballots. All ballots which are wholly blank shall likewise be enclosed, sealed, and endorsed "Wholly blank," and the number recorded upon the returns. All ballots which shall have been challenged but deposited in the box shall likewise be enclosed, sealed, and endorsed "Challenged," and the number recorded upon the returns. All other ballots shall, after being canvassed, be securely tied together and replaced in the box from which they were taken. The envelope containing the ballots "Not counted," "Objected to but counted," "Wholly blank," and "Challenged" shall be likewise returned to the same box, which shall then be again securely locked.

Boxes on top
of table.

SEC. 24. It shall be the duty of each of the judges of election and the registrar to object to the counting of any ballot which is not official, except when permitted to be used as hereinbefore provided, or to any ballot marked otherwise than is required by law, or which does not in all respects conform to the requirements of law. The ballots shall at all times during the canvass be kept on top of the table in plain view of all who are entitled to examine them, until they have been replaced in the box as required. If requested by any person, entitled to be present, the judges and registrar shall, during the canvass of any ballot, exhibit to him the ballot then being canvassed, fully opened, but shall not allow any ballot to be taken from their hands or touched by any person but themselves.

Deposit of
ballots.

SEC. 25. After the boxes shall have been all canvassed and relocked, they shall be deposited at once with the county board of elections, and shall be preserved inviolate for six months after the election, except that they may be opened for a recount in accordance with law; but after such recount the contents of each box shall be returned thereto and the box again locked and kept inviolate for the remainder of the period of six months. If a contest involving any box shall be in progress at the expiration of such six months, such box shall be preserved until such contest shall have been completed: *Provided, how-*

ever, that in case of a primary election and a second primary is called, the county board of elections is authorized to destroy all ballots used in the first primary so that the ballot boxes used in the first primary may be used for the second primary, or they may be reopened for a recount in accordance with law. But if any contest shall arise in the first primary, the ballots in such first primary shall not be destroyed, shall be taken from the boxes, placed under seal and filed in the office of the clerk of the Superior Court of the county and the parties to such contest may, if they so desire, be present when such ballots are taken from such boxes.

SEC. 26. The registrars of election of each township, ward, or precinct shall attend the meeting of the board of county canvassers as members thereof, and they shall deliver to such board the original returns and statements of election in such township, ward, or precinct. They shall constitute such county board of canvassers and a majority of them shall constitute a quorum.

Meeting of
canvassers.

SEC. 27. The State Board of Elections may prescribe forms to be used for tally sheets and returns, and if they fail to do so, any county board of elections may prescribe such forms for use in their own county. But any form prescribed or used shall be so framed as to allow all records to be preserved. Any form used shall be so framed as to show the number of votes cast for Governor by each political party, and in case a candidate for Governor shall be nominated by more than one political party the canvass shall be so made and the form used be so framed as to show the number of voters using each of the several party voting squares prescribed to appear upon the official ballot opposite the name of such candidate for Governor.

Tally sheets.

SEC. 28. The expense of doing those things herein prescribed to be done by the State Board of Elections shall be paid by the State. The expenses of doing those things prescribed to be done by the county board of elections shall be paid by the county. The Auditor shall draw his warrant upon the certificate of the chairman of the county board of elections for one third of the amounts expended for printing tickets for every election at which State officers or presidential electors are to be elected, and said warrant shall be paid by the State Auditor.

Expenses.

SEC. 29. At any primary election to choose nominees for any one party it shall be lawful that the county boards of election be and they are hereby authorized and empowered to appoint election officers belonging to the party for which officers are to be chosen and the assistant provided for in section twenty-one hereof shall be selected by the voter desiring assistance.

Appointment
election
officers.

Absent
elector.

SEC. 30. No vote of any absent elector shall be counted unless upon the official ballot printed under the directions hereof. The use of certificate "B," as set forth in Consolidated Statutes, five thousand nine hundred and sixty-two, shall not be permitted. The certificate for use with ballot of an absent elector shall be in the form set forth in said section five thousand nine hundred and sixty-two as certificate "A." All of the certificate "B" dated prior to September first, one thousand nine hundred and twenty-four, may be counted. The oath of any such affidavit may be administered by the chairman of the county board of elections or by the registrar.

Duty of
chairman.

SEC. 31. It shall be the duty of the county board of elections to furnish blank ballots for every absent elector who may apply therefor. Such ballot shall be mailed to the registrar and shall not be addressed in care of any other person. The vote of an absent elector shall be discarded and not counted if any writing or other mark than authorized hereby shall appear thereon. The chairman of the county board of elections is not required to furnish a ballot to any absent elector prior to ten days before the election at which such ballot can be lawfully voted. Ballots for absent electors, in addition to the printed matter hereinafter authorized, may have a printed line on the face thereof: "Official ballot,County, for the sole use of....., absent elector." The chairman filling in the name at the time of mailing same to such elector.

SEC. 32. Any person who shall make, use, circulate, or cause to be made, used or circulated any imitation of an official ballot or the sample ballots, or any paper made in resemblance thereto, or who shall willfully destroy or deface any official ballot or sample ballot, shall be guilty of a misdemeanor, and upon conviction be punished by a fine not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment, at the discretion of the court.

Neglect.

SEC. 33. Any public officer upon whom a duty is imposed by this act who shall willfully neglect to perform such duties or shall willfully perform it in such way as to hinder the object of this act; or who shall disclose to any one except as authorized hereby the contents of any ballot, as to the manner in which it may have been voted, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or by imprisonment in the discretion of the court.

SEC. 34. Any person who shall, except as herein otherwise provided, mark or fold his ballot so that it can be distinguished, or allow his ballot to be seen with apparent intention of letting it be known how he has voted or is about to vote, or who shall make a false statement as to his ability to mark his ballot, or who shall interfere with, hinder, or oppose any voter, or electioneer or solicit votes on election day while within one hundred feet of the polling place, or shall induce any voter to reveal how he has voted, or is about to vote, or who shall place upon or induce any person to place upon any ballot any character or mark for the purpose of identifying such ballot or who shall willfully hinder the delivery of any ballot, or destroy or delay the delivery of any of the supplies or apparatus provided for any polling place, or shall in any way obstruct the carrying out of any of the provisions of this act, or attempt to do or cause to be done any of the things above enumerated, or violate any other provision of this act, shall be guilty of a misdemeanor, and shall upon conviction be punished at the discretion of the court.

Violation
misdemeanor;
punishment.

SEC. 35. The term "political party," as used in this act, shall include all political parties which had candidates for State offices who were voted for at last preceding election, and in addition, any political party which may be declared to be such by a declaration signed by ten thousand (10,000) legal voters and filed with the State Board of Election thirty days before the time fixed for candidates for State offices to file notice of their candidacy with such board.

"Political
party."

SEC. 36. Any person who shall, in connection with any election held under the provisions of this act, give or promise to give any money, property or other things of value in return for the vote of any elector or any elector who shall receive anything in value in return for his vote, or who shall knowingly make any fraudulent return in connection with any election held under the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Money for
votes.

SEC. 37. All county boards of elections may in large precincts appoint additional helpers and additional boxes so that all properly qualified voters can exercise the right of suffrage.

Additional
helpers.

SEC. 38. Not more than five minutes shall be allowed by the registrar and judges of election in the hearing of any challenge on election day.

Hearing of
challenge.

SEC. 39. That this act shall apply to the county of Ashe only.

Application
of act.

SEC. 40. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 41. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 428

AN ACT TO REGULATE SUNDAY SALES AT ROANOKE JUNCTION IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Sunday sales regulated.

SECTION 1. That it shall be unlawful for any person, firm or corporation within a radius of three hundred yards about Roanoke Junction in Halifax County to expose for sale, sell or offer for sale on Sunday any goods, wares, merchandise, cool drinks, or other articles except as herein set out; and no store, shop or other place of business in which goods, wares, merchandise, cool drinks, or other articles of any kind herein prohibited are kept for sale shall keep open doors from twelve o'clock Saturday night until twelve o'clock Sunday night: *Provided*, that this section shall not be construed to apply to hotels or boarding houses, or to restaurants or cafes furnishing meals to actual guests where the same are not otherwise herein prohibited by law from keeping open on Sunday: *Provided further*, that drug stores, with licensed pharmacists, may be kept open for the sale of goods to be used for medicinal or surgical purposes, and for the sale of cigars and tobacco; and cigar stands and news stands may sell cigars, tobacco and newspapers: *Provided further*, that ice dealers and dairies may remain open for the sale and delivery of ice and dairy products. Nothing in this section shall be construed to prohibit garages and gasoline filling stations from operating on Sunday or prohibit the sale of newspapers: *Provided*, that all such places of business within three hundred yards of any church or house of worship shall close and remain closed during the hours between ten thirty a.m. and twelve thirty p.m. on Sundays.

Violation misdemeanor; penalty.

SEC. 2. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 429

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF GASTON COUNTY TO PERMIT THE EMPLOYMENT OF CLERICAL ASSISTANCE IN THE OFFICES OF THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS AND CLERK TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Gaston County be and they are hereby authorized to permit the employment of clerical assistance in the offices of the clerk of the Superior Court, register of deeds and clerk to the board of county commissioners; and pay such salary or compensation for such clerical assistance as in the judgment of said board of county commissioners may deem proper, sufficient and reasonable; and such assistance and compensation for the same shall be in addition to the assistance of the deputies in the offices of the clerk of the Superior Court and register of deeds.

Clerical assistance.

SEC. 2. That such compensation shall be paid out of the general county funds.

Compensation.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 430

AN ACT TO PROVIDE SCHEDULE OF FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the fees of the clerk of the Superior Court, Caswell County, whether he is paid for his services on a salary basis or in lieu of salary receives the fees, shall be the following, and no other, for the services designated herein, namely:

Fees of clerk of court.

Advertising and selling under mortgage in lieu of bond, two dollars for sales of real estate and one dollar for sales of personal property.

- Affidavits, including jurat and certificate, twenty-five cents.
- Appeal from justice of the peace, or from any court inferior to the Superior Court, one dollar.
- Appeal from the clerk to the judge, one dollar.
- Appeal to the Supreme Court, including certificate and seal, one dollar.
- Appointing and qualifying justices of the peace, to be paid by the justice, twenty-five cents.
- Apprenticing infant, including indenture, one dollar.
- Attachment, order in, fifty cents.
- Auditing account of receiver, executor, administrator, guardian or other trustee, required to render accounts, if not over three hundred dollars, fifty cents; if over three hundred dollars and not exceeding one thousand dollars, eighty cents; if over one thousand dollars, one dollar.
- Auditing final settlement of receiver, executor, administrator, guardian or other trustee, required to render accounts, one-half of one per cent of the amount on which commissions are allowed to such trustees, for all sums not exceeding one thousand dollars; and for all sums over one thousand dollars, one-tenth of one per cent on such excess; but such fees shall not exceed twenty dollars, unless there be a contest, when the clerk shall have one per cent on the said excess over one thousand dollars; but in no instance shall his fees exceed thirty dollars.
- Auditing and recording the final account of commissioners appointed to sell real estate, one-half of the fees allowed for auditing and recording final accounts of executors.
- Bills of costs, preparing same, fifty cents.
- Bond on undertaking, including justification, seventy-five cents.
- Canceling notice of *lis pendens*, twenty-five cents.
- Capias, each defendant, one dollar.
- Capias, when the defendant is not arrested thereunder, shall be one-half fees.
- Caveat to a will, entering and docketing same for trial, one dollar and fifty cents.
- Certificate (including certificate on indictment), except where it is a charge against the county, fifty cents; and where it is a charge against the county, the fee shall be one-half.
- Commission, issuing, seventy-five cents.
- Continuance, thirty cents; in criminal cases, thirty cents for each defendant and fifty cents in civil cases.
- Docketing *ex parte* proceedings, one dollar.
- Docketing indictments, twenty-five cents.
- Docketing liens, twenty-five cents.

Docketing judgment, in criminal cases, fifty cents; in civil action, fifty cents.

Docketing summons, fifty cents.

Execution and return thereon, including docketing, one dollar; and certifying return to clerk of any county where judgment is docketed, twenty-five cents.

Filing all papers, twenty-five cents for each case.

Filing and recording report of sales by commissioners and trustees, two dollars.

Guardian, appointment of, including taking bond and justification, one dollar.

Impaneling jury, twenty-five cents.

Indexing judgment on cross-index book, twenty-five cents for the judgment regardless of number of parties.

Indexing liens on lien book, ten cents.

Indexing lis pendens, ten cents, if required to be indexed.

Indictment, each defendant in the bill, one dollar.

Injunction, order for, including taking bond or undertaking and justification, one dollar.

Judgment, final, in term time, civil action, each defendant, one dollar.

Judgment, final, against each defendant, in a criminal action, one dollar.

Judgment, final, before the clerk, one dollar.

Judgment by confession, without notice, all services, three dollars.

Judgment in favor of widow for year's support, fifty cents; and docketing same, twenty-five cents.

Judgment nisi, entering against a defaulting witness or juror, on bail bond or recognizance, fifty cents.

Juror ticket, including jurat, ten cents.

Justification of securities on any bond or undertaking except as otherwise provided (each), fifty cents.

Letters of administration, including bond and justification of securities, one dollar.

Motions, entry and record of, in civil actions, fifty cents; in criminal action, each twenty-five cents.

Notices, twenty-five cents, and for each name over one in same paper, ten cents additional.

Notifying solicitors of removal of guardian, one dollar.

Order enlarging time for pleading in special proceedings, and civil actions, twenty-five cents; and for all other interlocutory orders therein, fifty cents.

Order of arrest, each defendant, one dollar.

Order for appearing of apprentice, on complaint of master, one dollar; for appearing of master, on complaint of apprentice, one dollar.

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, except a chattel mortgage, twenty-five cents.

Postage, actual amount necessarily expended.

Presentment, each person presented, ten cents.

Probate of a short form of lien bond, or lien bond and chattel mortgage combined, fifteen cents.

Probate of a deed or other writing, except as otherwise provided, proved by a witness, including the certificate, twenty-five cents.

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.

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.

Probate of limited partnership, fifty cents.

Probate of will in common form, and letters testamentary, one dollar.

Qualifying justice of the peace, to be paid by the justice, twenty-five cents.

Qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents.

Recognizance, each party where no bond is taken, twenty-five cents.

Recording and copying papers, per copy sheet, fifteen cents.

Recording names, qualification and expiration of term of office of justices of peace, five cents for each name.

Registering trained nurses, including certificate of registration, fifty cents.

Recording certificate of incorporation, or corporations, three dollars.

Recording names of jurors, as required by law, five cents for each name.

Registering doctors, including certificate of registration, one dollar.

Resignation of guardian, relinquishment of right to administer, or to qualify as executor, receiving, filing, and noting same, twenty-five cents.

Seal of office, when necessary, twenty-five cents.

Subpœna, each name, fifteen cents.

Summons, in civil actions, or special proceedings, including all the names therein, one dollar, and for every copy thereof, twenty-five cents.

Transcript of judgment, seventy-five cents; with seal, one dollar.

Transcript of any matter of record or paper on file, per copy sheet, twenty-five cents.

Trial of any cause, or stating an account, as referee, pursuant to order of the judge, such allowance as the judge may make.

Warrant, one dollar.

Witness ticket, including jurat, ten cents.

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, executions, and deposits under article three, chapter fifty-four of Consolidated Statutes, and upon the excess over five hundred dollars of such sums, one per cent.

SEC. 2. That all laws and clauses of laws providing for 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.

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 431

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PASQUOTANK COUNTY TO ACQUIRE LANDS FOR AND TO ERECT AND MAINTAIN A DETENTION HOME IN SAID COUNTY AND TO BORROW MONEY AND LEVY A TAX FOR SAID PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Pasquotank County be and it is hereby authorized and empowered to acquire by purchase, condemnation or otherwise, such lands, together with buildings and improvements thereon, if any, as, in its discretion, it may deem necessary for the erection, repair and maintenance of a detention home in said county, and to

County commissioners authorized acquire land.

Purpose.

erect thereon such buildings and improvements, and to make such repairs thereto as it may deem necessary for the purposes of said home.

Commissioners
authorized
borrow money.

SEC. 2. That said board of county commissioners is further authorized and empowered to borrow money for said purposes, or any of them and to issue and sell notes or bonds of said county for that purpose, in the manner provided by law for the issuance and sale of notes and bonds by county commissioners, and to levy a tax in addition to any tax allowed by any general or special statute, and in addition to the rate allowed by the Constitution, for the purpose of paying the principal and interest of the money so borrowed, and providing for the maintenance and operation of said home and the carrying into effect of any of the provisions of this act.

Eminent
domain.

SEC. 3. That in order to carry out and effectuate the purposes of this act the power of eminent domain may, in accordance with the manner and provisions of chapter thirty-three, Consolidated Statutes, and amendments thereof, be exercised by said county commissioners for the purpose of acquiring property as aforesaid.

Additional
powers.

SEC. 4. The powers granted by this act are granted in addition to, and not in substitution for, existing powers of said county, and are not subject to any limitation or restriction contained in any other law.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 432

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO ISSUE BONDS TO FUND FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. That the board of commissioners of Harnett County be and it is hereby empowered and authorized to issue and sell serial bonds of the county of Harnett to an amount not exceeding one hundred thousand dollars (\$100,000) for the purpose of funding floating indebtedness of the county of Harnett incurred for the necessary expenses thereof, said bonds shall be

in denomination of one thousand dollars each and shall bear interest at a rate not to exceed six per cent per annum, payable semiannually, at such times and places as may be deemed advisable by said board of commissioners; said bonds to be of such form and tenor and to mature at such time or times, not more than thirty years from date, as the said board of commissioners may determine, and said bonds shall be numbered and shall be signed by the chairman of said board and countersigned by the clerk thereof, and shall have the seal of the county impressed thereon.

SEC. 2. Said bonds shall be sold by the board of commissioners of the county of Harnett in the manner provided by the Municipal Finance Act of the State of North Carolina for the sale of bonds of cities and towns, and said bonds shall not be sold for less than par and accrued interest.

Sale of bonds.

SEC. 3. The board of commissioners of Harnett County is hereby empowered, authorized and directed to levy and collect each year, following the issue of the bonds authorized in this act, on all real and personal property within Harnett County, a special tax sufficient to pay the interest on said bonds and to retire and pay said bonds as they mature. The said special tax shall be levied and collected at such time and in such manner as the other county taxes are levied and collected, and the proceeds arising from said special tax shall be used for the purposes specified in this section and for no other purpose whatsoever.

Special tax.

SEC. 4. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session of the General Assembly.

Additional powers.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A.D. 1925.

CHAPTER 433

AN ACT TO REGULATE EXPENDITURES BY MECKLENBURG COUNTY FOR THE SUBSISTENCE OF PRISONERS IN THE COUNTY JAIL.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Mecklenburg County shall furnish to each prisoner confined in the county jail of said county reasonable and proper food in accordance with the requirements of section one thousand three hundred and forty-six (1346) of

Expenses regulated.

the Consolidated Statutes, the cost of which subsistence shall be paid by the prisoner as provided in section one thousand three hundred and forty-seven (1347) of Consolidated Statutes. It shall be unlawful for the board of commissioners of Mecklenburg County to allow or pay to the sheriff for the subsistence of prisoners a definite or fixed amount in excess of forty (40) cents per prisoner per day: *Provided, however,* this section shall not apply to prisoners committed under authority of the United States, the cost of whose maintenance shall be borne by the United States as provided in section one thousand three hundred and forty-nine (1349) of the Consolidated Statutes.

Compensation
in lieu.

SEC. 2. That the compensation herein provided shall be in lieu of all other provision now made by law for the cost of feeding the prisoners in the county jail; and it shall be unlawful for the sheriff or jailer to collect or seek to collect from the board of commissioners on account of the subsistence of such prisoners any amounts inconsistent with or in excess of the authority herein granted for such subsistence.

Police
authority.

SEC. 3. That the sheriff of Mecklenburg County may, when it appears necessary to provide extra police authority for the safe custody of prisoners committed to the county jail, make specific requisition upon the board of county commissioners for temporary emergency officers; and the board of county commissioners are hereby authorized and empowered, upon receipt of such requisition, to detail and order such members of the rural police force of Mecklenburg County as they may consider necessary, to report to the sheriff and act under his orders for such time as the board may designate, for the purpose of providing ample police authority for the safe custody of said prisoners and for the preservation of peace and order.

Conflicting
laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 434

AN ACT TO REGULATE THE REGISTRATION OF PLATS IN SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Plat registration
regulated.

SECTION 1. That all plats which shall hereafter be registered in the office of the register of deeds of Scotland County shall

be on linen paper and of a size not greater than seventeen (17) inches by twenty-two (22) inches: *Provided, however*, that plats may be made in different sections, each section conforming to the above specifications.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 435

AN ACT TO AMEND CHAPTER 42, PUBLIC-LOCAL LAWS OF 1924, RELATING TO THE COMPENSATION OF SHERIFF AND TAX COLLECTOR OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-two, Public-Local Laws of the extra session, one thousand nine hundred and twenty-four, be and the same is hereby amended by striking out all of section five thereof, following and including the word "*Provided*," in line thirteen thereof: *Provided*, that the provisions of this section of this act shall not be effective until the first day of October, one thousand nine hundred and twenty-five, when the general taxes of one thousand nine hundred and twenty-five are collectible. Amendment.

SEC. 2. That said chapter be further amended by adding at the end of section six thereof the following words: "*Provided*, that the board of county commissioners in its discretion may allow the sheriff an additional sum not exceeding fifteen hundred dollars annually for the purpose of defraying expenses of deputy sheriffs and other expenses incident to the office of sheriff." Amendment.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 436

AN ACT TO AMEND CHAPTER 158 OF THE PUBLIC-LOCAL LAWS OF THE SESSION 1911, RELATIVE TO RECORDER'S COURT IN THE TOWN OF HENDERSON.

The General Assembly of North Carolina do enact:

SECTION 1. That [section] thirteen of said chapter be stricken out, and the following section substituted therefor:

Amendment.

"Sec. Thirteen. Said court shall have jurisdiction and powers of all civil matters arising in said county of Vance, which are now or may hereafter be given to the justices of the peace, and in addition to the jurisdiction conferred by this section shall have concurrent original jurisdiction of all other civil actions arising in said county out of contract where the sum demanded does not exceed the sum of one thousand dollars (\$1,000), and those arising out of tort where the value of the property or the sum or amount in controversy does not exceed five hundred dollars (\$500)."

Amendment.

SEC. 2. That section fifteen of said act be stricken out, and the following substituted therefor:

"Sec. Fifteen. All civil actions shall be commenced in said court by summons issued by the clerk of the Superior Court of Vance County or his deputy, and shall be returnable not less than three or more than ten days from issuance thereof. The plaintiff shall file a written complaint on or before the return day of such summons. The defendant shall file a written answer or demurrer within five days after the return day of the summons, and the case shall stand for trial on the sixth day from the return day of the summons: *Provided*, that when this date falls on Sunday, the trial shall be had on Monday."

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 437

AN ACT TO AMEND CHAPTER 613 OF THE PUBLIC-LOCAL LAWS, SESSION 1923, RELATING TO REPORTS REQUIRED BY OFFICERS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and thirteen of the Public-Local Laws of North Carolina, one thousand nine hundred and twenty-three, be amended by striking out the word "week," in line eleven of section two thereof, and inserting in lieu thereof the word "month," and by striking out the words "at the end of each week," in line one of section six thereof, and inserting in lieu thereof the words "on the first of every month," and by striking out the word "weekly," in line two of section seven thereof, and inserting in lieu thereof the word "monthly."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 438

AN ACT TO FIX THE SALARIES AND FEES OF CERTAIN OFFICERS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and eighty-five, section five, Public-Local Laws of one thousand nine hundred and thirteen, as amended by chapter twenty-five of Public-Local Laws of one thousand nine hundred and fifteen, and chapter seventy-three, Public-Local Laws of extra session of one thousand nine hundred and fifteen, and chapter seventy-three, Public-Local Laws of extra session of one thousand nine hundred and twenty-four, relating to the compensation of county commissioners in Pasquotank County, be and the same is hereby amended by striking out the word "four," in line twelve of said section, and inserting in lieu thereof the word "five."

Amendment.

SEC. 2. That chapter sixty-one, section nine, Public-Local Laws of one thousand nine hundred and fifteen, as amended by chapter one hundred and eighty-five, Public-Local Laws of one thousand nine hundred, and nineteen, relating to the compensa-

Amendment.

tion of the clerk Superior Court of Pasquotank County, be and the same is hereby amended by striking out the words and figures "twenty-four hundred dollars (\$2,400)," in line three of said section, and inserting in lieu thereof the words and figures "twenty-eight hundred dollars (\$2,800)."

Amendment.

SEC. 3. That chapter one hundred and eighty, section two, Public Laws of one thousand nine hundred and seven, as amended by chapter two hundred and sixty-four, Public-Local Laws of one thousand nine hundred and fifteen, and chapter four hundred eighty-one, Public-Local Laws of one thousand nine hundred and twenty-one, relating to the compensation of the trial justice or the recorder of the criminal court of Pasquotank County, be and the same is hereby amended by striking out the words "one hundred dollars," in line eighteen of said section, and inserting in lieu thereof the words "one hundred and fifty dollars."

Amendment.

SEC. 4. That chapter one hundred and eighty, Public Laws of one thousand nine hundred and seven, section nineteen, as amended by chapter two hundred and sixty-four, Public-Local Laws of one thousand nine hundred and fifteen, relating to the compensation of the substitute recorder or trial justice of the criminal court of Pasquotank County, be and the same is hereby amended by striking out the word "three," in line twelve of said section, and inserting in lieu thereof the word "six."

Amendment.

SEC. 5. That chapter one hundred and eighty, Public Laws of nineteen hundred and seven, as amended by chapter eighty-two, Public-Local Laws of nineteen hundred and nineteen, section twenty-five, be and the same is hereby amended by striking out all of said section twenty-five after the word "therefor," in line three thereof, and inserting the following "one hundred and fifty dollars per month, to be paid him out of the general fund of Pasquotank County."

Amendment.

That said chapter eighty-two, Public-Local Laws of nineteen hundred and nineteen, be and the same is hereby further amended by adding the following:

"Sec. 27. There shall be taxed in the bill of cost against each person convicted in said court one-half the fees as were prescribed by law on February eleventh, one thousand nine hundred and nineteen, for solicitors, except that in prosecutions for violation of city ordinances the fee shall be two dollars for each conviction, and said fees shall be collected and paid into the general county fund of Pasquotank County."

Amendment.

SEC. 5a. That section seven, chapter sixty-one, Public-Local Laws of one thousand nine hundred and fifteen, as amended, be and the same is hereby amended by striking out, in lines

two and three thereof, the words and figures "three thousand five hundred dollars (\$3,500)" and inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)."

SEC. 6. That chapter two hundred and thirty-two, Public-Local Laws of the extra session of one thousand nine hundred and twenty-one, be and the same is hereby amended by adding at the end of section one thereof the following: "Provided, that the list of jurors drawn may be delivered to any police officer of the city of Elizabeth City with an order endorsed thereon, directing him to summon the persons named in the list to appear as jurors at the time and place fixed for the trial, and it shall be the duty of such officer and he is hereby authorized and empowered to forthwith summon said jurors, or so many of them as can be found, according to the order, and he shall make return thereof at the time and place appointed, stating in his return the names of the jurors summoned by him."

Amendment.

SEC. 7. That section one, chapter five hundred seventy-eight, Public-Local Laws of one thousand nine hundred and twenty-one, relating to the fees of sheriff, be and the same is hereby amended by adding before the period at the end of said section the words "and Pasquotank."

Amendment.

SEC. 8. That section two of chapter one hundred and thirteen of Public Laws of one thousand nine hundred and twenty-one, relating to compensation of justices of the peace, be and the same is hereby amended by adding before the period at the end of said section the words "and "Pasquotank."

Amendment.

SEC. 9. That this act shall apply only to the county of Pasquotank.

Application of act.

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

Conflicting laws repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 439

AN ACT FOR THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC HOSPITAL IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Columbus County shall order a new registration and shall submit to the qualified electors the question of establishing a public hospital at a special election to be held in the county on the first

Establishment of public hospital.

Saturday in March, one thousand nine hundred and twenty-six. The election shall be held at the usual places in the county for electing officers and the vote shall be canvassed in the same manner as in election for officers of the county.

Tax. SEC. 2. An annual tax to be levied under such election shall be for a period of time not to exceed twenty years, and shall be for the issue of county, township or town bonds to provide funds for the purchase of real estate for hospital purposes, for the construction of hospital buildings and for maintaining same, or for either or all of such purposes. Bonds so issued shall not exceed in principal amount five dollars per capita of the population of such county, township, or town according to the last Federal census at the time such bonds are authorized.

Question of tax. SEC. 3. The governing body of such county, township or town shall submit to the qualified electors thereof, at the special election set forth in section one, the question whether there shall be levied upon the assessed property of such county, township, or town a tax for the purchase of real estate for hospital purposes, for the construction of hospital buildings, and for maintaining same, or for either or all of such purposes. The ballots to be used at any election at which the hospital question is submitted shall be printed with a statement substantially as follows:

Ballots. () Yes, for a tax for a bond issue for a public hospital and for maintenance of same.

() No.

In securing site. SEC. 4. In securing a site for a public hospital in its construction, support, conduct, and management, sections seven thousand two hundred fifty-seven and seven thousand two hundred seventy-eight, Consolidated Statutes, inclusive, shall apply.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 440

AN ACT TO PROHIBIT FISHING WITH SEINES OR NETS IN CERTAIN WATERS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Fishing prohibited. SECTION 1. That it shall be unlawful for any person to take any fish from the waters of Lake Latham Pond in Alamance County or from any other pond or waters now or hereafter owned, leased or in any way controlled by the Burlington rod

and gun club, incorporated, with any seine, net or basket of any kind.

SEC. 2. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars or imprisonment for not more than thirty days. Violation
misdemeanor;
penalty.

SEC. 3. That 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 its ratification. Conflicting
laws repealed.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 441

AN ACT IN REGARD TO THE BOARD OF COMMISSIONERS OF MADISON COUNTY AND FURTHER PRESCRIBING THEIR DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Madison County shall cause the clerk of said board to prepare quarterly reports showing the following information, which information shall be freely given to any bona fide citizen of Madison County on request. Clerk to prepare
quarterly
reports.

(a) The name and number of men between eighteen and forty-five years of age in each township.

(b) The names and number of men between the ages of eighteen and forty-five years who have been relieved of road duty in each township. Contents
of report.

(c) The names and number of men of road age in each township who have paid money in lieu of road work in the quarter next preceding said quarterly report, together with the total amount paid by said men in each of said townships.

(d) Total number of days worked by men subject to road duty in each township.

(e) Total days paid for from money paid in by men subject to road duty in each township.

(f) Total amount spent from maintenance fund for each township in the quarter preceding said report.

(g) Total number of days of free labor due each township for the remainder of the current calendar year.

(h) Total balance of maintenance fund due each township for the current calendar year.

(i) Total amount of funds originally appropriated for each road project under construction or to be constructed.

(j) Total amount spent on each said project from said appropriation, the number of miles constructed on each said project, the average cost of labor per day per man including the cost of supervision on said project or projects.

(k) Total number of days worked by men on the chain gang doing county work for the preceding quarter together with the total cost of maintenance and supervision and the total cost per man per day.

SEC. 2. That the said report shall be sworn to by the clerk to the said board of county commissioners.

SEC. 3. That the first quarterly report to be made under this act shall cover the three months period beginning March first, one thousand nine hundred and twenty-five, and ending June first, one thousand nine hundred and twenty-five, and shall be submitted to the county commissioners of Madison County at their regular meeting in June, one thousand nine hundred and twenty-five, and shall thereafter be open to public inspection. That reports shall be prepared in like manner for each succeeding quarter and submitted to the county commissioners at their regular meetings following the end of each quarter and be open for information to bona fide citizens of Madison County.

SEC. 4. That A. R. McDevitt and Lee Tweed be and they are hereby appointed as additional members of the board of county commissioners of Madison County, their terms of office to begin upon the ratification of this act, and the terms of office of the said A. R. McDevitt and Lee Tweed to expire on the first Monday in December, one thousand nine hundred and twenty-six.

SEC. 5. That at the first regular meeting of the said board of commissioners held after the qualification of the two additional members herein named, said board shall reorganize and elect one member of said board as chairman who shall preside over the meetings of said board until the first Monday in December, one thousand nine hundred and twenty-six.

SEC. 6. That at the general election to be held in the years one thousand nine hundred and twenty-six, and every two years thereafter, there shall be elected in Madison County only three members of the board of county commissioners of Madison County who shall hold office for two years.

SEC. 7. That immediately upon ratification of this act the Secretary of State shall transmit a certified copy of the same to the register of deeds of Madison County.

Time that first report covers.

Additional members county commission.

Election of chairman.

Election of members.

Term of office.

Copy to register of deeds.

SEC. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed in so far as the same apply to Madison County. Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 442

AN ACT TO EMPOWER THE COUNTY COMMISSIONERS OF
POLK COUNTY TO ISSUE BONDS NOT TO EXCEED \$20,-
000 FOR ERECTING A SCHOOL BUILDING IN COOPER'S
GAP TOWNSHIP WITHOUT A VOTE OF THE PEOPLE.

Whereas, in the opinion of the county board of education of Polk County, it is necessary to have a better school building in Cooper's Gap Township in order to give the children of said township better school facilities and run the said school for a term of six months as required by the Constitution: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Polk County be and they are hereby authorized and empowered, whenever in their discretion they deem it wise, to issue bonds for Polk County without submission to a vote of the people, for the purpose of erecting a school building in Cooper's Gap Township, Polk County, not to exceed in amount the sum of twenty-thousand dollars. Said bonds shall be styled "Polk County school bonds" and shall be of such denomination as said board may deem advisable, bear interest from the date of issue not to exceed six per cent per annum, with interest coupons attached, payable semiannually or annually as said board may provide and at such times or time and at such place or places as said board may fix. The bonds to be issued by virtue of this act shall be approved by a majority of the board of county commissioners of Polk County and shall be signed by the chairman thereof and countersigned by the clerk or secretary of said board and the seal of the county attached thereto, said bonds to be of such form and tenor and transferable in such way and the number thereof payable and redeemable at such time of times not exceeding ten years from the date thereof and at such place or places as said board of county commissioners may Bond issue authorized.

Rate of interest.

Approval of county commissioners.

determine. No part of said bonds shall be disposed of at less than par.

Use of
proceeds.

SEC. 2. That the proceeds realized from the sale of said bonds shall be used for the purpose of erecting a school building in Cooper's Gap Township and for no other purpose whatsoever.

Conflicting
laws repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 443

AN ACT TO AMEND SECTION 1, CHAPTER 3, OF PUBLIC-LOCAL AND PRIVATE LAWS OF THE EXTRA SESSION OF 1921, RELATIVE TO THE COMMISSION ALLOWED THE SHERIFF OF WAKE COUNTY FOR COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one, chapter three of Public-Local and Private Laws of extra session of one thousand nine hundred and twenty-one, enacted by the General Assembly, be and the same is hereby amended by striking out the word "four," in line five of said section, and inserting in lieu thereof the words "one and one-half."

Conflicting
laws repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 444

AN ACT TO FIX THE TERMS OF GRAND JURORS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Terms of
grand jurors.

SECTION 1. That the terms of K. Clyde Council, H. H. Edwards, W. B. Hobbs, Arthur Nance, W. B. Bufkin, J. L. Prince, Wm. A. Pridgen, A. P. Rogers, and I. B. Sloan, who are present members of the grand jury of Columbus County, and whose terms as such expire on July first, one thousand nine hundred and twenty-

five, be extended thereafter until the first day of January, one thousand nine hundred and twenty-six; and that on the first days of July and January hereafter there shall be drawn nine jurors for said grand jury, as provided by law, to serve for a period of one year: *Provided*, that the judge holding court in said district may at any time discharge said grand jury and call another to serve the unexpired terms.

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

Conflicting
laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 445

AN ACT TO MAKE CHAPTER 606, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF 1917, AND AMENDMENTS THERETO, APPLICABLE TO SCOTLAND COUNTY, ENTITLED AN ACT TO PROVIDE THE AUSTRALIAN BALLOT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six hundred and six, Public-Local Laws of North Carolina, session one thousand nine hundred and seventeen, ratified the fifth day of March, one thousand nine hundred and seventeen, and the amendments thereto, be and the same is hereby made applicable to Scotland County, and that all elections held in said county after the ratification of this act shall be held under the provisions of the laws herein specified.

Amendment.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed, in so far and no further as the county herein mentioned is concerned.

Conflicting
laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 446

AN ACT TO AMEND PUBLIC-LOCAL LAWS 1915, CHAPTER 459, SECTION 4, RELATIVE TO THE PROTECTION OF GAME AND FISH IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. Amend chapter four hundred and fifty-nine, section four, Public-Local Laws, one thousand nine hundred and fifteen, by adding, in line two after the word "game" and before the word "wardens," the words "and fish," also in section four, in line nine after the word "game" and before the word "warden," the words "and fish."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A.D. 1925.

CHAPTER 447

AN ACT TO REQUIRE COUNTY OFFICERS OF DARE COUNTY TO REPORT AND MAKE SETTLEMENT AT EACH REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Settlement of county officers.

SECTION 1. That it shall be the duty of each county officer of Dare County collecting fees or other money belonging to said county to report to under oath and make settlement for amount so collected with the board of county commissioners at each regular meeting of said board.

Neglect or failure misdemeanor; penalty.

SEC. 2. That any officer who shall fail or neglect to comply with the requirements of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Conflicting laws repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 448

AN ACT TO REGULATE THE FEES OF THE SOLICITOR OF
THE COUNTY RECORDER'S COURT OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The solicitor of the county recorder's court shall receive for every conviction the fees prescribed for solicitors of the several judicial districts of North Carolina in chapter ninety-seven, Public Laws, extra session, one thousand nine hundred and twenty.

Fees of
solicitor.

SEC. 2. That this act shall apply only to Bladen County.

Application
of act.

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

Conflicting
laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 449

AN ACT TO REGULATE THE HUNTING OF GAME IN CA-
TAWBA AND LINCOLN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to hunt foxes in Catawba and Lincoln counties, except during the period each year from the first of October to the first of March, and then only with dogs. Any one shooting a fox or shooting at a fox or trapping a fox shall be guilty of violating this act as hereinafter set out unless done to save the lives of fowles, lambs, pigs or other animals of value.

Hunting of
game
regulated.

SEC. 2. That it shall be unlawful for any one to shoot at a dog or to shoot a dog while said dog is running a fox unless done to save the lives of some other useful animals in Catawba and Lincoln counties.

Unlawful.

SEC. 3. That it shall be unlawful for any person, firm or corporation to hunt or trap fur-bearing game in Hickory Township, Catawba County, unless a citizen or taxpayer of Catawba County. It shall also be unlawful for any one to hunt fur-bearing game on Baker's Mountain in Catawba County unless a citizen or taxpayer of said county.

Unlawful.

SEC. 4. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50).

Violation and
punishment.

Conflicting laws repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 450

AN ACT TO PROTECT GAME BIRDS AND DEER AND OTHER GAME IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Commissioners for protection of game.

SECTION 1. That the board of county commissioners of Columbus County are hereby constituted and appointed "commissioners for the protection of game in Columbus County." It shall be their duty to enforce the game laws in said county, and to perform certain other duties prescribed in this act.

License.

SEC. 2. That said commissioners, acting in conjunction with the county game wardens hereinafter provided for, shall prescribe the form of license for nonresident hunters and shall furnish to the clerk of the Superior Court of Columbus County all licenses and other blanks required under this act, and shall also furnish the clerk of the Superior Court of said county a suitable book for the purpose of keeping a record of hunters' licenses issued under the terms of this act.

License tax.

SEC. 3. That any nonresident of the county of Columbus who desires to hunt or shoot birds, designated under the terms of this act as "game birds" or deer in said county of Columbus, shall make application to the clerk of the Superior Court of Columbus County, who shall issue such a license upon the payment of a tax of ten dollars (\$10), and an additional fee of fifty cents shall be paid said clerk for the issuing of said license. Said license shall be of such form as the commissioners, acting in said conjunction with the game warden hereinafter provided for, shall prescribe and shall entitle the person to whom said license is issued to hunt game birds and deer in said county for a period of one year from the time it is issued: *Provided, however,* that said license shall not authorize killing or shooting of game birds or deer except during the season in which said birds may be killed, as provided in sections eleven and fourteen of this act.

Game warden appointed.

SEC. 4. That Kelly Thompson be and he is hereby appointed game warden for the county of Columbus for a term of two years beginning on the first Monday in April, one thousand nine

hundred and twenty-five, and the county commissioners of Columbus shall, at the expiration of said term and biennially thereafter, appoint a chief game warden for the county of Columbus, to hold his office for two years and until his successor is appointed and qualified. The said person so appointed shall be in the opinion of said commissioners, a person of good moral character and of sufficient intelligence to perform the duties of said office and he shall be a person who has been a resident of Columbus County for at least two years prior to the date of his appointment. It shall be the duty of said chief game warden to enforce the game laws of said county, including the provisions of this act.

SEC. 5. That for the more complete enforcement of the game laws of said county, it shall be the duty of the said chief game warden to appoint a deputy game warden in each township in said county: *Provided*, that he shall not be required to make said appointment until he has been requested by petition in writing, signed by at least one dozen freeholders of said township, to make said appointment.

Deputy
game warden.

SEC. 6. That the chief game warden, and every deputy game warden, appointed under the terms of this act, shall before entering upon the duties of this act, take and subscribe before the clerk of the Superior Court of said county an oath to faithfully and impartially perform the duties of said office, and shall also execute a bond in the sum of fifty dollars (\$50) for the honest and faithful performance of the duties of said office, and the said oath and bond shall be recorded by the clerk of said court in his office, and the said chief game warden and deputy game wardens shall thereupon have and exercise all the powers, privileges and duties held and exercised by township constables and other police officers in so far as the same may be necessary to enable them to properly perform their duties. The fees of the clerk for taking said oath and bond, and for recording the same shall not exceed fifty cents.

Oath of
game warden.

SEC. 7. That the chief game warden or his deputy game wardens shall be paid the sum of two dollars and a half (\$2.50) for each nonresident license procured for any nonresident hunter, and for each conviction for any violation of any of the game laws of said county shall receive the sum of five dollars (\$5), to be paid out of the funds raised under the terms of this act, in addition to the fees for arrests and the service of papers, which shall be the same as are allowed constables for like services, as now provided by law.

Compensation.

Disbursement
of funds.

SEC. 8. That the funds to be disbursed under the terms of this act shall be disbursed by the custodian of the public funds of Columbus County upon the order of the commissioners of said county in the same manner as other public funds of Columbus County are disbursed, and shall be paid out only out of the funds derived from the enforcement of the game laws under the terms of this act.

Unlawful.

SEC. 9. That it shall be unlawful for any person to trap, sell or offer for sale, at any time, game birds in Columbus County.

Unlawful.

SEC. 10. That it shall be unlawful to kill or in any manner destroy game birds in said county between the fifteenth day of February and the twenty-fifth day of November following, in any year, and the open season in Columbus County is hereby declared to be the period of time between the twenty-fifth day of November and the fifteenth day of February, following and the said twenty-fifth day of November and the said fifteenth day of February shall be included in said open season.

Unlawful.

SEC. 11. That it shall be unlawful for any person to kill more than fifteen game birds, except turkey, in any one day during the open season provided in this act.

Unlawful.

SEC. 12. That it shall be unlawful for any person to kill more than one turkey in any one day and four during the open season provided in this act.

Unlawful.

SEC. 13. That it shall be unlawful to hunt, kill or destroy in any manner any raccoon, opossum, skunk, mink, or otter in Columbus County from the first day of March to the first day of December in any year.

Unlawful.

SEC. 14. That it shall be unlawful to trap fur-bearing animals in Columbus County from the first day of March until thirty-first day of December.

Unlawful.

SEC. 15. That it shall be unlawful for any person, firm or corporation to ship or transport game birds out of Columbus County for the purpose of selling or otherwise disposing of the same to any other person, firm or corporation.

Game birds.

SEC. 16. That game birds within the meaning of this act shall be bob-white, partridge, quail, wild geese, brant, wild duck, snipe, woodcock, dove, robin, meadow lark, wild turkey.

Unlawful.

SEC. 17. That it shall be unlawful for any person or persons not a resident of the county of Columbus to hunt, pursue, kill, maim, or capture any game bird or deer within the county of Columbus, without first having applied for and received a non-resident hunter's license as provided in this act: *Provided*, that no license tax shall be collected from any nonresident of the said county for the privilege of hunting on his own land in Columbus County.

SEC. 18. That all persons having licenses must carry same on their persons while hunting and show them when called upon to do so by a warden, sheriff, constable or other officer, and failure to do so shall be prima facie evidence that such persons are hunting without license. Must carry licenses.

SEC. 19. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than fifty dollars or imprisoned not more than thirty days, and shall also forfeit and pay the sum of ten dollars for the use and benefit of the fund for the protection of game provided in this act, and it shall be the duty of the chief game warden or any deputy game warden provided for in this act to institute suit for said amount before any court of competent jurisdiction in Columbus County, and to collect the same and pay the sum collected to the custodian of the public funds of Columbus County to be credited to the fund hereinbefore provided for the enforcement of this act. Violation and penalty.

SEC. 20. That the close season during which deer shall not be hunted with gun, chased with dogs, killed, trapped or destroyed in Columbus County shall be the first day of January to the first day of November of each year. Close season.

SEC. 21. That it shall be unlawful for any person to kill more than one doe and two buck deer per season. Unlawful.

SEC. 22. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 23. That this act shall be in force from and after the first Monday in April, one thousand nine hundred and twenty-five. Date of effect.
Ratified this the 7th day of March, A.D. 1925.

CHAPTER 451

AN ACT TO MAKE PUNISHABLE IN ROBESON COUNTY WORK IN REGULAR CALLING ON SUNDAY.

The General Assembly of North Carolina do enact:

SECTION 1. That any person violating section three thousand nine hundred and fifty-five of the Consolidated Statutes of North Carolina shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars. Violation misdemeanor; penalty.

SEC. 2. That this act shall apply to Robeson County only. Application of act.

SEC. 3. That all laws and clauses of laws in conflict with this act are to the extent of such conflict repealed. Conflicting laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 452

AN ACT TO PROVIDE FOR THE CREATION OF ROAD ASSESSMENT DISTRICTS IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Assessment
road districts
established.

SECTION 1. That the road commission of Randolph County is hereby authorized by a majority vote to establish assessment road districts within said county for the purpose of constructing and maintaining hard surface or other dependable roads within said districts in the manner hereinafter set forth.

Petition of
freeholders.

SEC. 2. That upon the filing of a petition signed by three or more resident freeholders of the territory described in said petition, setting forth the boundaries of the district for whose benefit the proposed road or roads are to be built and designating the road or roads it is proposed to improve, and the names of the owners of the real estate embraced within said district, together with the acreage and tax valuation of each of said owners, the said road commission in their discretion, if in their opinion the said proposed road improvement is necessary for the welfare of the said district and the county of Randolph, shall designate said district by some appropriate name and proceed to establish the same as hereinafter set forth.

Bond to be filed.

SEC. 3. That before incurring any expense in connection with the said road district the road commission may require the petitioners to file a bond in such sum as the road commission may determine to indemnify the county against all or in part of the cost of the preliminary survey and investigation of said district.

Engineer.

SEC. 4. Upon the preliminary approval of said district as above the road commission shall appoint a competent engineer with direction for him to make a survey of the road or roads sought to be improved, and to file a report giving the location of said road, an estimate of the cost thereof complete including survey, a list of the real estate within the boundaries of said district which will be benefited by the said improvement, and all such real estate shall be divided by him into three separate classes as follows: That receiving the highest benefit shall be designated as class A; that receiving the next highest benefit shall be designated as class B, and that receiving the smallest

Division of
real estate.

benefit shall be designated as class C, and any real estate within the district that will receive no benefit from said improvement shall be eliminated from said district.

SEC. 5. The county road commission may assume for the county as a whole such proportionate part of the cost of said improvement as it by a majority votes may deem to be equitable and just not exceeding fifty per cent, and shall assess against the real estate in said district the remainder of the estimated cost, observing the classification of the property into three classes as set forth in section four, following the same method of proportionment as that outlined in the Consolidated Statutes for the assessment of benefits on the several classes of property in drainage districts.

Assessment
against
real estate.

SEC. 6. When such assessment has been made a copy thereof shall be filed in the office of the clerk of the Superior Court, and a notice of hearing shall be published in some newspaper in the county of Randolph, setting forth a description in general terms of the proposed improvement and the time fixed for the meeting of said road commission for the hearing of allegations and objections in respect of the special assessment, such meeting not to be earlier than ten days from the first publication of said notice. At the time appointed for that purpose or at some other time to which it may adjourn, the road commission must hear the allegations and objections of those persons interested who may appear and make proof in relation thereto. The road commission may thereupon correct such assessment roll and either confirm the same or may set it aside and provide for a new assessment or transfer property from one class to another as in their judgment may be just and equitable. Whenever the road commission shall confirm said assessment roll a copy thereof shall be filed in the office of the clerk of the Superior Court where it shall remain open for public inspection for a space of twenty days. If at the end of said period of twenty days a majority in either owners of property or of acres embraced within said district shall file a protest with the said road commission all further proceedings with respect to said district shall cease and the same be deemed abandoned, otherwise the said assessment roll shall be deemed approved and shall constitute a lien on the real property against which said assessments are made superior to all other liens and encumbrances except taxes lawfully levied.

Notice of
hearing.

SEC. 7. If any person assessed is dissatisfied with the amount of the charge he may appeal to the Superior Court in the manner and under the same conditions as is prescribed in the

Dissatisfaction
of person
assessed.

case of municipal assessments under section twenty-seven hundred and fourteen of the Consolidated Statutes.

Division of assessments.

SEC. 8. That the road commission shall divide the assessments so made into annual installments of not less than ten nor more than twenty years as the said road commission may determine, and the same shall be certified by the clerk of the Superior Court to the sheriff or other tax collecting officer in the manner prescribed for the assessment under the drainage law to be collected by the said sheriff and paid in to the general road fund of the county.

Bond issue authorized.

SEC. 9. Said road commission is hereby authorized to issue notes or bonds maturing serially over a period of not less than ten nor more than twenty years to provide funds to cover the cost of said improvement, and shall apply all the proceeds of said special assessment to the discharge of such obligations.

Cost of improvement, etc.

SEC. 10. That in making the assessment of benefits against the property within said district as outlined above, the entire cost of said improvement together with the charges of the money borrowed for said purpose shall be included, and there shall be deducted from such gross amount the proportionate part of such cost as the said road commission may have previously determined to be a proper charge against the county as a whole.

Does not repeal.

SEC. 11. That this act shall not repeal any act heretofore passed by the General Assembly authorizing the levying of taxes for road purposes, nor to interfere with or abridge the rights of the road governing body of the county with respect to the public roads thereof.

In event of no road commission.

SEC. 12. That in the event no road commission is established for the county of Randolph, the board of county commissioners shall exercise all of the functions herein delegated to the said road commission.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 453

AN ACT TO PROVIDE FINANCIAL AID FOR CONFEDERATE SOLDIERS, SAILORS AND THEIR WIDOWS RESIDING IN FORSYTH COUNTY.

Financial aid.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Forsyth County are hereby authorized and empowered to appropriate an amount

not to exceed ten thousand dollars annually out of the general fund of Forsyth County for the purpose of extending financial aid to Confederate soldiers, sailors and their widows.

SEC. 2. That any Confederate soldier or sailor, or widow of either, who has been a resident of Forsyth County for two years prior to the ratification of this act, may apply to the board of county commissioners of Forsyth County for financial aid.

Application
for financial aid.

SEC. 3. That the county commissioners of Forsyth County may grant financial aid to such Confederate soldiers or sailors, or their widows, only after thorough investigation as to the needs of such applicant.

Investigation.

SEC. 4. That the widow of any Confederate soldier, or sailor shall have been married to such soldier or sailor prior to the year one thousand eight hundred and ninety before being granted aid from this fund.

Marriage.

SEC. 5. The county commissioners of Forsyth County are directed to ascertain the number of such Confederate soldiers, sailors, or their widows who may participate in the aforesaid fund before distribution shall be made.

Number
ascertained.

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

Conflicting
laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 454

AN ACT TO AUTHORIZE AND EMPOWER THE RECORDER OF THE RECORDER'S COURT OF NEW HANOVER COUNTY TO MAKE NECESSARY COURT RULES GOVERNING THE PRACTICE IN SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the recorder of the recorder's court of New Hanover County be and he is hereby authorized and empowered to make such necessary rules governing the practice in said court as he may deem advisable: *Provided, however,* such rules shall not conflict with the provisions of any statute, or with any rules promulgated by the Supreme Court for practice in inferior courts of the State.

Recorder to
make rules.

SEC. 2. That upon the making of such rules by the said recorder of the recorder's court of New Hanover County, and the printing and filing of the same in the office of the clerk of said

Force and
effect of laws.

court, the said rules shall have the same force and effect in the practice before said recorder's court as the rules regulating the practice in the Superior Court has in that court.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 455

AN ACT TO CONFER UPON THE RECORDER'S COURT OF DURHAM COUNTY CIVIL JURISDICTION, AND TO ENLARGE THE POWERS OF THE RECORDER AND SUBSTITUTE RECORDER.

The General Assembly of North Carolina do enact:

Jurisdiction.

SECTION 1. *Jurisdiction.* That the recorder's court of Durham County shall have jurisdiction in civil actions and proceedings as follows:

(a) Concurrent jurisdiction with justices of the peace in all civil actions, matters and proceedings, including all proceedings whatever, provisional and remedial to civil action, which are now or may hereafter be within the jurisdiction of justices of the peace of Durham County.

(b) Concurrent jurisdiction with the Superior Court in all civil actions, matters and proceedings, including all proceedings whatever ancillary, provisional and remedial to civil action founded on contract or tort, wherein the Superior Court of Durham County now has exclusive original jurisdiction: *Provided*, that the sum demanded or the value of the property in controversy shall not exceed twenty-five hundred dollars (\$2,500), and the total to real estate shall not be in controversy: *Provided further*, that no injunction relief may be granted.

Jury trial.

SEC. 2. *Jury trial.* That the jurors for said recorder's court of Durham County for the trial of civil causes shall be selected in the same manner and under the same laws as now provided for the section of jurors in trial of civil action in Superior Court of Durham County: *Provided, however*, that trial by jury may be waived in those causes embraced in section one, subsection (a) of this act by written consent of the parties thereto.

Pay of jurors.

(b) *Pay of jurors.* That the jurors shall receive the same compensation as now provided by law for jurors serving in the Superior Court to be paid out of the treasury of Durham

County by the treasurer thereof on presentation of a ticket duly issued by the clerk of the Superior Court of Durham County.

(c) That the board of commissioners of Durham County shall select the jury for said court from the same jury box and in the same manner and under the same provisions as is now provided for the selection of jurors for the regular terms of Superior Court held in Durham County.

(d) *Challenges.* That the challenges allowed in the trial of civil causes in the recorder's court of Durham County shall be the same in number and for the same causes as are allowed in the trial of civil causes in the Superior Court; that all jurors drawn from the box shall be regular jurors and the said court shall have the same power to summons tales jurors as Superior Court now has, and the jury shall be composed of twelve in number. Challenges.

SEC. 3. *Terms of court.* That the weeks assigned for the trial of civil causes in Durham County recorder's court shall be as follows. Terms of court.

1. Fifth Monday before the first Monday in March.
2. Fourth Monday before the first Monday in March.
3. Fifth Monday after the first Monday in March.
4. Sixth Monday after the first Monday in March.
5. Tenth Monday after the first Monday in March.
6. Twelfth Monday after the first Monday in March.
7. Thirteenth Monday after the first Monday in March.
8. Fourteenth Monday after the first Monday in March.
9. Fifteenth Monday after the first Monday in March.
10. First Monday before the first Monday in September.
11. The first Monday in September.
12. Sixth Monday after the first Monday in September.

SEC. 4. That in the event it should appear to the recorder that there would be no cases at issue and for trial at any one of the weeks herein specified, then and in that event he may cancel any one or more of said terms of court. Upon presentation by the judge of the recorder's court of a statement to the board of commissioners of Durham County setting forth that an accumulation of civil causes exists in the recorder's court, the said board of county commissioners may prescribe additional terms for the trial of civil action, but no additional terms shall be called except upon thirty days notice to be posted at the courthouse door.

SEC. 5. That the witnesses shall be summoned by a subpoena issued by the clerk of the Superior Court in the same manner as now provided for the summoning of witnesses for the trial of causes in the Superior Court, and shall be allowed the same

compensation to be taxed as costs by the clerk of the Superior Court.

Appeals and
stay bonds.

SEC. 6. *Appeals and stay bonds.* That appeals may be taken by either the plaintiff or the defendant of the recorder's court of Durham County to the Superior Court of Durham County in term time, for errors assigned in matters of law in the same manner and under the same requirements as is now provided by law for appeals from the Superior Court to the Supreme Court with the exception that the records may be typewritten instead of printed and only one copy thereof shall be required; that the time for taking and perfecting appeals shall be counted from the end of the terms; that upon appeals from the recorder's court the Superior Court may either affirm, modify and affirm the judgment of the recorder's court or remand the cause to the recorder's court for a new trial.

(b) That bonds to stay execution shall be the same as now required for appeal from the Superior Court to the Supreme Court; that the judgment of the Superior Court shall be certified to the recorder's court of Durham County, and that final judgment may be rendered unless there is an appeal to the Supreme Court, and that in case of an appeal to the Supreme Court, upon the filing of a certificate from the Supreme Court to the Superior Court said certificate shall be transmitted to the clerk of the Superior Court ex officio the clerk of the recorder's court of Durham County for the trial of civil actions.

Summons.

SEC. 7. *Summons.* That all actions shall be commenced in said court by summons running in the name of the State, issued by the clerk of the Superior Court of Durham County and shall be returnable on Monday of the term after service, provided service shall be had in ten days before said term, otherwise the summons shall be returnable on Monday of the next succeeding term after service; that the plaintiff shall file a written complaint on or before the return date of such summons; that the defendant shall file a written answer or demurrer or to make a motion in writing during the term to which the summons is returnable and in that case the action shall stand for trial at the next succeeding term.

Judgments
docketed.

SEC. 8. *Judgments docketed.* That the judgments of said courts shall be enforced by execution of the clerk thereof returnable within twenty days; that transcript of said judgment may be docketed in the Superior Court of Durham County and become judgment of the Superior Court; just as though said action was tried in Superior Court and in the same manner and under the same provisions.

SEC. 9. *Process.* That the process of said court while exercising the jurisdiction of a justice of the peace, shall not run outside of Durham County. In all other cases its process shall run as process issuing out of the Superior Court. Process.

SEC. 10. *Removals.* That when upon affidavit made before entering upon any trial of any cause before any justice of the peace of Durham County it shall appear proper for said cause to be removed for trial to some other justice of the peace as is now provided by law, said cause may be removed for trial to the recorder's court of Durham County. Removals.

SEC. 11. *Rules of court.* That the rules of practice prescribed by law for the Superior Court for the trial of all causes shall apply to this court except such as may be waived by the parties litigant. Rules of court.

SEC. 12. *Cost bonds.* That the statute relating to bonds for costs and for suits without bonds for cost that now apply to Superior Court shall also apply to this court, but this shall not be construed to require bonds for cost in cases arising under section one, subsection (a) of this act, except as is now provided by law for such bonds in civil causes before justices of the peace. Whenever the statute provides for a thing to be done by the clerk of the Superior Court or by the judge of the Superior Court or by either, the same thing may be performed by the clerk of this court or by the judge of said recorder's court in actions pending in said court, and this provision shall apply especially to all provisional remedies as now provided by statute except special proceedings. Cost bonds.

SEC. 13. *Salary of judge.* That the salary of the recorder shall be increased to thirty-six hundred dollars (\$3,600) per year and be paid out of the same fund and in the same manner as he is now paid, and if the same shall be insufficient such amount in so far as the same is insufficient may be paid out of the salary fund of Durham County, and he shall preside over all of the civil courts herein provided for except as follows: Salary of judge.

(b) That the substitute recorder of the recorder's court of Durham County is empowered and authorized to hold the criminal session of the recorder's court at the same time the recorder is holding the civil term; and that all civil terms of said recorder's court shall be held where the regular Superior Court terms are held in Durham County, but there shall be no terms to conflict with the regular Superior Court term.

(c) That in the absence of the judge of the recorder's court from any civil terms or on account of sickness or when otherwise absent, then said term shall be presided over by an assistant judge, who shall be appointed by the board of county

commissioners of Durham County and whose salary shall be fixed by said board of county commissioners; and said salary shall be paid out of the same fund and in the same manner as is provided for the payment of the salary of the recorder and said assistant judge or recorder shall be governed by the same rule and required to take the same oath as is now provided for the recorder of the recorder's court of Durham County.

Costs.

SEC. 14. *Costs.* That all costs shall be the same as when said causes are tried in Superior Court and shall be collected and paid out in the same manner, under the same rule, and under the same law as is now provided in Durham County for the trial of such causes in the Superior Court.

Clerk.

SEC. 15. *Clerk.* That the clerk of the Superior Court of Durham County, by himself or his deputies duly appointed according to law, shall ex officio perform the duties of the clerk of the recorder's court in civil action, and should it become necessary in the opinion of said clerk to procure additional help to perform said duties, then he may do so and the salary of such additional deputy or clerks shall be fixed by the board of commissioners of Durham County and paid out of the funds and in the same manner as now provided by law for the payment of deputy clerk of the Superior Court of Durham County.

Procedure.

SEC. 16. *Procedure.* That the procedure for the trial of civil causes in the recorder's court of Durham County except as herein otherwise provided, shall follow the rules and principles laid down in the chapter of civil procedure of the Consolidated Statutes, and acts amendatory thereto in so far as the same can be adopted to the needs and requirements of said court, and the regular court stenographer of the Superior Court of said county shall act as the stenographer in said recorder's court for the trial of civil causes, and shall be provided a salary to be paid out of the same funds and in the same manner as is now provided for the payment of said stenographer in Superior Court of Durham County; that the said court shall be a court of record, and the same dockets, files and records of the Superior Court shall be used for the same so far as may be and the clerk shall provide any and all necessary additional files, dockets and records as may appear to him to be necessary for the trial of civil actions in said court, and the cost of the same shall be paid as is now provided for the payment of files, dockets and records.

Civil cases
pending.

SEC. 17. *Civil causes pending.* That all civil causes now pending in the Superior Court of Durham County coming within the provision of this act shall be triable in the recorder's court of Durham County, and come within the provision of said act, and

it shall be the duty of the clerk of the Superior Court to prepare the calendars and dockets so that the procedure may be had for the trial of said causes as soon as practical.

SEC. 18. *First court.* That the first session of the recorder's court of Durham County for the trial of civil causes shall be held for the week beginning the.....day of.....nineteen hundred and twenty-five, and that each session thereafter, as is now provided by the provisions of this act. First court.

SEC. 19. That all laws and clauses of laws in conflict with this act shall be and the same is hereby repealed. Conflicting laws repealed.

SEC. 20. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 456

AN ACT TO AMEND SECTION 11 OF CHAPTER 452 OF PUBLIC-LOCAL LAWS OF 1911, RELATING TO THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section eleven of chapter four hundred and fifty-two of Public-Local Laws of one thousand nine hundred and eleven by striking out, in line five, the words "may at any time" and substituting in lieu thereof the word "shall." Amendment.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 457

AN ACT TO EMPOWER THE BOARD OF COMMISSIONERS OF IREDELL COUNTY TO INCREASE THE PAY OF CERTAIN DEPUTIES IN THE VARIOUS COUNTY OFFICES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Iredell County are hereby directed to investigate and determine whether the deputy clerk of the Superior Court, the deputy register of deeds, and the office deputy in the sheriff's office are sufficiently remunerated for the services rendered. Pay of deputies.

Authority to
increase pay.

SEC. 2. That if the said board of commissioners find that any or all of the said deputies are not paid enough salary, then in their discretion said board of commissioners of Iredell County may increase the salary of the deputies mentioned in section one of this act to a sum not exceeding thirteen hundred and eighty dollars per year.

Conflicting
laws repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 458

AN ACT CONFIRMING AND APPROVING THE ACTS OF RUBY GRIFFITH AS CLERK OF THE SUPERIOR COURT OF UNION COUNTY.

Preamble.

Whereas, R. W. Lemmond was clerk of the Superior Court of Union County, North Carolina, and Ruby Griffith was his duly appointed deputy clerk; and

Whereas, the said R. W. Lemmond died on Saturday, seventh day of February, one thousand nine hundred and twenty-five, and his successor did not qualify until Saturday, twenty-first day of February, one thousand nine hundred and twenty-five, and during said time, at the direction of A. M. Stack, judge of the thirteenth judicial district, in which Union County is situated, directed the said Ruby Griffith to act as clerk; and

Whereas, during said period she did and performed certain duties as clerk: Now, therefore,

The General Assembly of North Carolina do enact:

Acts confirmed.

SECTION 1. That all acts and things done by Ruby Griffith from February seventh, one thousand nine hundred and twenty-five, to February twenty-first, one thousand nine hundred and twenty-five, acting as clerk of the Superior Court of Union County, North Carolina, or as deputy clerk thereof, be and the same are hereby in all respects approved and declared of the same force and effect as if done by a clerk duly elected or appointed and qualified.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 459

AN ACT RELIEVING THE BOARD OF COMMISSIONERS OF UNION COUNTY FROM THE PUBLICATION OF AN ANNUAL STATEMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Union County be and they are hereby relieved of publication of an annual statement required by section one thousand three hundred and thirty-four of the Consolidated Statutes, and in lieu thereof they shall have the books audited and everything required of said section shall appear in said audit and the said audit shall be filed in the office of register of deeds and notice shall be given in a paper published in Union County that the said auditor's report is on file for public inspection.

Commissioners
relieved of
publication.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 460

AN ACT TO PROTECT GAME AND FISH IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and five, Public-Local Laws, one thousand nine hundred and twenty-three, be and the same is hereby repealed.

SEC. 2. That it shall be unlawful for any person to kill or take any game or fish in Transylvania County, except as prescribed in this act.

Unlawful.

SEC. 3. That the following shall be classed as game animals: Deer, bear and squirrel. All other animals shall be classed as wild animals.

Game animals.

The following shall be classed as game birds: Turkey, quail, pheasant and grouse. All other birds shall be classed as non-game birds.

SEC. 4. That it shall be unlawful for any person to kill or take any female deer or deer without horns at any season of the year: *Provided*, nothing herein shall be construed to prohibit any person from taking any kind of deer from his, her or their

Unlawful.

own inclosed parks or reservations. It shall be unlawful to trap for bear or to run or hunt deer with dogs or to use while hunting any gun having a "Maxim silencer" or any other device thereon that will muffle the report of such gun, nor shall any gun be used that does not produce when discharged the usual and ordinary report.

SEC. 5. That no game bird or game animal shall be taken except during the open season as herein prescribed, and only in day time between half an hour before sunrise and sunset, and only with shotgun not larger than number ten gauge or rifle, and no automatic shotgun or pump gun shall be used in hunting any game bird or game animal.

SEC. 6. That it shall be unlawful for any person to use any jack-light or other artificial light, net, trap, snare, salt-lick or poison in taking any game bird or game animal, nor shall any game bird or game animal as defined in section three of this act be taken from any field or cover in which corn, wheat or other substance has been deposited for the purpose of drawing such game birds or game animals thereto.

SEC. 7. That it shall be unlawful for any person to use any dog or dogs while hunting deer, nor shall any person allow his dog or dogs to run deer at any time, and any dog or dogs found running deer in said county of Transylvania may be taken up by any person and impounded and the owner may have five days, after notice, in which to claim and take back into his possession such dogs upon his paying all the expenses of impounding and keeping the same, plus the sum of twenty dollars (\$20), one-half of which sum shall be retained by the person impounding such dog or dogs, and the other half shall be and become a part of the "game and fish fund" herein provided for.

Provided, however, if any person or persons shall willfully chase deer with dog or dogs, or willfully or negligently allow his dog or dogs to chase deer, such person shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, and such dog or dogs may be killed by any person who finds the same actually running deer.

SEC. 8. The open season for deer and bear shall be between the fifteenth day of November and the thirty-first day of December of each year.

The open season for squirrel, red or gray fox, muskrat, opossum and raccoon shall be from October first to December thirty-first of each year.

There shall be no closed season for rabbit, wildcat, skunk or mink, and nothing herein shall prevent the taking or killing

Taking game animals only during open season.

Jack-light, etc.

Dogs while hunting deer.

Proviso.

Open season.

of any wild animal as designated in section three of this act, except by poison, if such animal be committing injury to property.

The open season for game birds shall be from November fifteenth to January fifteenth in the following year.

SEC. 9. That the bag limit on game animals and game birds shall be as follows: Bag limit.

No one person shall take more than two deer and one bear during any one open season for such, nor shall he take more than five squirrels, one turkey, ten quail and three pheasants during any one day.

Wild animal—bag limit: No one person shall take more than one red or gray fox, five muskrats, five opossum and three raccoons in any one day. Wild animal bag limit.

SEC. 10. No person shall sell or offer for sale, ship or otherwise transport any game animal, or part thereof, or any game bird or part thereof, or the nest or egg of such bird: *Provided*, that this section shall not be construed as preventing any hunter from carrying game birds or game animals or parts thereof from the place of killing or taking to his own home for his own private use. Sale of game animals.

SEC. 11. That if any person shall be found off his own premises and not in any public highway or public cartway with a gun, it shall be deemed prima facie evidence that such person is hunting. Prima facie evidence.

SEC. 12. That no person shall take any mountain trout, brook trout or rainbow trout from any stream in Transylvania County between the first day of September and the first day of April in the following year, and then only in day light and with hook, and no fish of any kind shall be taken at any time from any stream in said county by seining. That no person shall take more than fifteen trout in any one day, and no trout under six inches in length shall be taken. Mountain trout, etc.

SEC. 13. That the county commissioners of Transylvania County shall appoint a county game warden whose duty it shall be to see that all the provisions of this act are strictly enforced, and if such warden shall fail, refuse or neglect to perform any part of his duty, the county commissioners shall have power to remove such person and fill the vacancy. County game warden.

The county game warden shall have power to appoint a deputy game warden in each township of the county if he shall find it advisable to do so in order to better enforce the provisions of this act, and shall have such compensation as may be agreed upon between himself and the board of county commissioners of the county to be paid out of any moneys derived from the licenses issued and other moneys collected, under any of the provisions of this act. Deputy game warden.

“Deputy forest warden.”

The county game warden may appoint as township or deputy warden any “deputy forest warden” who may be a suitable person, and such person so appointed shall have all the powers and privileges given to any deputy game warden, and all township wardens shall receive such compensation as may be agreed upon between themselves and the county game warden and the county commissioners.

Powers and privileges.

License fees.

SEC. 14. The following license fee shall be paid by all persons who hunt or fish in Transylvania County:

Every resident of the county shall pay the sum of one dollar (\$1) per year for hunting privileges and one dollar (\$1) per year for fishing privileges.

Every nonresident of the county, but resident of the State, shall pay five dollars (\$5) per year for hunting privileges and three dollars (\$3) per year for fishing privileges.

Every nonresident of the State shall pay ten dollars (\$10) per year for hunting privileges and five dollars (\$5) per year for fishing privileges.

Issuance of licenses.

SEC. 15. That all licenses herein provided for shall be issued either by the county game warden or the clerk of the Superior Court of said county, who shall keep blanks for that purpose with stub attached showing the name and postoffice address of the applicant and whether such license is for hunting or fishing; and the person obtaining such license shall keep the same on his person at all times while hunting or fishing and shall exhibit same when called for by any sheriff, deputy sheriff, county or township warden, any and all of which officers shall have power to swear out and execute warrants for any violation of this act and subpoena witnesses as in other cases of any violation of any criminal statute; and each of the officers herein mentioned shall have the power and it shall be their duty to arrest, without warrant, any person found violating any of the provisions of this act.

Unlawful hunt without license.

SEC. 16. It shall be unlawful for any person to hunt or fish in said county without a license: *Provided*, that a nonresident of the county or State who is the bona fide owner of real estate located in the county of the value of five thousand dollars (\$5,000) and upward shall be deemed a resident of the county under the provisions of this act and shall not be required to secure a license other than such as is required by residents of the county.

Proviso.

Provided further, that any nonresident of the county or State may, when invited so to do by a resident of the county, hunt or fish on the lands of the person extending the invitation for as much as one day without being required to take out a license

for so doing; and a license issued to a parent shall be good for any child or children under eighteen years of age while such child or children are hunting or fishing with said parent.

SEC. 17. All licenses issued under this act shall expire on the first day of March of each year, and no licenses shall be issued for less than a period of one year. Expiration of license.

SEC. 18. All moneys received from the issuance of licenses and other sources under this act shall be and constitute a fund known as the "game and fish fund" and shall be deposited in the name of the county game warden, who shall keep an itemized account of all receipts and disbursements made by him out of said fund, and he shall render to the board of county commissioners an annual, itemized, verified statement of every receipt and disbursement touching said fund. Moneys derived.

SEC. 19. Before entering upon his duties as county game warden such person shall execute and file with the board of county commissioners a justified bond in the sum of at least one thousand dollars (\$1,000) for the faithful performance of his duties and the accounting for all funds that shall come into his hands by virtue of his office. Bond of game warden.

SEC. 20. Nothing contained in this act shall be construed as permitting any person to hunt or fish on the lands of another without the oral or written permission of such landowner. Concerning act.

SEC. 21. That the sheriff or his deputy, the policemen of any town, or the county game warden or the township game warden shall have power and are hereby required to aid and assist in seeing that the provisions of this act are strictly enforced; and any officer herein charged with such duty who fails, refuses or neglects to perform such duty shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100). Power of sheriff, etc.

SEC. 22. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50) or imprisoned not less than thirty days. Violation misdemeanor; penalty.

SEC. 23. Any person who will furnish evidence sufficient to convict and which does convict any person or persons violating any of the provisions of this act shall be entitled to the sum of ten dollars (\$10), which sum shall be taxed against such defendant so violating, and paid by him as a part of the cost. Evidence.

SEC. 24. This act shall apply only to the county of Transylvania. Application of act.

SEC. 25. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 461

AN ACT TO AMEND CHAPTER 430 OF PUBLIC-LOCAL LAWS OF 1923, SO AS TO ALLOW TAKING OF FISH IN THE WATERS OF BERTIE COUNTY AND IN WATERS BORDERING THEREON, BY MEANS OF GILL NETS.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter four hundred and thirty of the Public-Local Laws of North Carolina, session one thousand nine hundred and twenty-three, be amended by adding to section twelve the following:

“*Provided*, that the provisions of this section and of this act in prohibiting taking fish by setting fyke or gill nets shall not apply to Bertie County, and that from the passage of this act fish may be so taken and caught in Bertie County as provided for in laws prior to the time of passage of said chapter four hundred and thirty; in all other respects said chapter four hundred and thirty shall remain in full force and effect.”

Conflicting laws repealed.

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

SEC. 3. That the provisions of this act shall not be affected by the passage of any public laws passed by General Assembly of one thousand nine hundred and twenty-five.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 462

AN ACT REGULATING FEES OF COUNTY COMMISSIONERS AND ROAD TRUSTEES OF HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section five, chapter two hundred and sixty-nine of the Public-Local Laws of nineteen hundred and nineteen, regulating the salaries of the officers of Henderson County, be amended as follows: Strike out of said section five, all of same,

after the words "section five" therein, and substitute in lieu thereof the following: "That each member of the board of county commissioners of Henderson County shall hereafter be paid the sum of four dollars per day, for each day the duties of their office shall require them to be in session, and the mileage now allowed by the general statute, same to be paid out of the general county funds of Henderson County: and each member of the board of county road trustees of Henderson County, shall hereafter be paid the sum of four dollars per day, for each day the duties of their office shall require them to be in session, and the same mileage allowed the county commissioners of said county, the same to be paid out of the road funds of Henderson County."

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 463

AN ACT TO AMEND CHAPTER 218, PUBLIC-LOCAL LAWS, EXTRA SESSION OF 1924, REGULATING SALARIES OF OFFICERS OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and eighty-eight, Public-Local Laws, extra session of one thousand nine hundred and twenty-four, be and the same is hereby amended by striking from line six thereof the following: "six thousand six hundred dollars" and inserting in lieu thereof the following: "eight thousand and five hundred dollars."

Amendment.

SEC. 2. That section two thereof be and the same is hereby amended by striking from line nine thereof the following: "four thousand dollars" and inserting in lieu thereof the following: "five thousand dollars," and by striking from line thirteen thereof the following: "four thousand eight hundred dollars" and inserting in lieu thereof the following: "five thousand dollars."

Amendment.

SEC. 3. That the said commissioners may in their discretion reimburse the present county officers, and their predecessors in office, each, such amounts as may be necessary to bring their respective salaries up to the amounts provided for in this act.

Commissioners to reimburse county officers.

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

Conflicting laws repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 464

AN ACT FIXING THE SALARIES OF CERTAIN OFFICERS OF DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Salaries fixed. SECTION 1. That the salaries of the deputies, register of deeds of Durham County is hereby fixed at one thousand eight hundred dollars (\$1,800) per annum in lieu of the one thousand six hundred dollars (\$1,600) per annum heretofore fixed by law. Such salaries shall be paid in equal monthly installments and be effective as of January first, one thousand nine hundred and twenty-five.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 465

AN ACT TO AMEND CHAPTER 107 OF THE PUBLIC-LOCAL LAWS OF 1923, AMENDING CHAPTER 348 OF THE PUBLIC-LOCAL LAWS OF 1913, ENTITLED AN ACT TO PROVIDE FOR THE DRAINAGE OF CERTAIN PORTIONS OF MUDDY CREEK AND SOUTH MUDDY CREEK IN BURKE AND McDOWELL COUNTIES.

The General Assembly of North Carolina do enact:

Amendment. SECTION 1. That chapter one hundred and seven of the Public-Local Laws of one thousand nine hundred and twenty-three (1923) be and the same is hereby amended by inserting between section eight (8) and section nine (9) an additional section reading as follows:

Amendment. "Sec. 8a. That nothing contained in chapter one hundred and seven of the Public-Local Laws of one thousand nine hundred and twenty-three shall be construed to revive any cause of action barred by any statute of limitations at the time of the ratification

thereof or to suspend or in any way affect the running of any statute of limitations.”

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 466

AN ACT TO AMEND CHAPTER 487 OF PUBLIC-LOCAL LAWS OF 1923, RELATIVE TO THE GAME LAW OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter four hundred and eighty-seven, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the word “first,” in line two of said section, and inserting in lieu thereof the word “fifteenth.” Amendment.

SEC. 2. That section three, chapter four hundred and eighty-seven, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the word “ten,” in line five of said section, and inserting in lieu thereof the word “twenty.”

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 467

AN ACT RELATING TO PUBLIC ROADS AND BRIDGES IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the standard right-of-way for all county high-ways in Halifax County shall be twenty feet from the center of the roadway on either side. Right-of-way.

SEC. 2. That no person who owns or cultivates land adjacent to any county highway shall be allowed to use any part of the Use of right-of-way.

right-of-way for cultivation, storage of wood of any kind or for any other purpose without the written consent of the highway commission of Halifax County.

Unlawful.

SEC. 3. That it shall be unlawful for any person, firm or corporation to obstruct any lateral road drain or any relief ditch by ploughing into the same or by piling wood, logs, cross-ties, lumber or any other substance, the effect of which is to stop up said ditch.

Unlawful.

SEC. 4. That it shall be unlawful for any person, firm or corporation to load wood, logs, lumber or any material of kindred nature to any vehicle while said vehicle is standing within the right-of-way of any public road of Halifax County.

Unlawful.

SEC. 5. That no person shall be allowed to leave any vehicle, loaded or unloaded, within the right-of-way, or to leave any wood or logs or other obstruction after dark without placing thereon a red light, showing such obstruction.

Unlawful.

SEC. 6. That it shall be unlawful for any person to dig any hole within the right-of-way of any public road which they do not immediately fill up.

Unlawful.

SEC. 7. That it shall be unlawful for any person to construct any fence on the right-of-way.

Unlawful.

SEC. 8. That it shall be unlawful for any person to dump refuse, trash or any other matter in or upon any of the highways of Halifax County.

Power to
cut trees;
compensation.

SEC. 9. That the power to cut trees which shade the public roads of Halifax County by and upon the right-of-way is hereby granted, but compensation shall be made to the owner of said trees as is provided for compensating owners for material, under chapter five hundred and thirty-four, Public Laws nineteen hundred and nineteen: *Provided*, said trees are not a part of any grove, surrounding a person's house.

SEC. 10. That the highway commission of Halifax County shall cause copy of this bill to be published once a week for four successive weeks in each of the following newspapers published in Halifax County, to wit: *Roanoke News, Roanoke Rapids Herald, Enfield Progress, Commonwealth, The News Reporter*.

Violation
misdemeanor;
penalty.

SEC. 11. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty-one dollars or imprisoned not exceeding thirty days for each offense.

Conflicting
laws repealed.

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

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 468

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF AVERY COUNTY TO INVEST SINKING FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the safekeeping and investment of the funds arising from taxes levied under the authority of the act authorizing the issuance of bonds, under which bonds have been issued by said county, over and above the amount necessary to pay the semiannual interest on the said bonds respectively, the board of commissioners of Avery County are hereby authorized and directed to invest moneys, which may now or hereafter belong to any sinking funds of the county for the payment of any issue of bonds, from time to time in State of North Carolina or United States government bonds or certificates of deposit in reliable banks of said county paying a fair rate of interest, payable to the said board of county commissioners for the benefit of said sinking fund: *Provided, however,* that any bank which may become a borrower of county funds or depository for county funds in excess of twenty thousand dollars, under this or any other act, shall give bond in reliable bonding company licensed to do business in North Carolina.

Commissioners authorized to invest moneys.

Proviso.

SEC. 2. That the board of county commissioners of Avery County be and they are hereby authorized and empowered, from moneys in the sinking fund derived from taxes levied for the payment of any issue of bonds made by the county and now outstanding, to purchase any amount or amounts of such outstanding bonds, before maturity, if and when obtainable, at or less than par and accrued interest.

Purchase of bonds.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 469

AN ACT TO PROTECT FISH AND GAME IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Protection of
fish and game.

SECTION 1. That for the purpose of carrying out the provisions of this act the sheriff of Avery County shall be ex officio general fish and game warden, and deputy sheriffs, police officers and constables within Avery County are hereby made ex officio deputy fish and game wardens, and it shall be their duty to aid in the enforcement of this act and they shall serve without compensation except as herein provided. In addition to the fees allowed by law under the general law of the State, any sheriff or other officer engaged in enforcing this act shall receive the sum of ten dollars in cases involving a violation of this act which said officer secured evidence upon which the conviction for the violation of this act is based, which sum shall be taxed against the defendant as a part of the bill of costs in the case of each such conviction; if no conviction is secured, then no such fee for costs shall be taxed against the county.

License.

SEC. 2. That any person desiring to hunt or fish in Avery County shall first obtain a license from the clerk of the Superior Court of said county, which license shall be on a regular printed form and shall be good for the hunting season only, and shall pay the following license fees for such licenses:

License fee.

A nonresident of the State of North Carolina shall pay a license fee of ten dollars and in addition thereto a clerk's fee of fifty cents; a nonresident of Avery County shall pay a license fee of five dollars, and fifty cents additional as a clerk's fee; residents of Avery County shall not be required to take out a license. The clerk of the Superior Court shall turn over the license fees collected for licenses issued to the treasurer of said county, which fees shall go to the general county funds, and it shall be the duty of said clerk of the Superior Court to make such settlement on the first Monday of each month, and the county commissioners of said county shall duly advertise the fish and game laws of said county, provide for the printing of the same and provide for the enforcement of the same and may allow out of the general county fund of said county such amount as is necessary for such purposes not to exceed the sum of one hundred dollars in any one year.

Open season.

SEC. 3. That the open season for hunting and fishing in Avery County shall be as follows: For deer, season closed until November first, one thousand nine hundred and twenty-eight, and thereafter the open season shall be from November first

to December thirty-first inclusive, and no person shall kill more than two deer in any one season, which shall be bucks; for bear and raccoon, from October one to January fifteen; for quail, partridges, pheasant, woodcock and doves, from November twenty to January twenty; for wild turkey season closed for four years from the date of the ratification of this act and thereafter the open season shall be from November twentieth to January twentieth and no person shall kill more than fifteen quail or partridge or doves in any one day or more than seventy-five in any one season, nor more than four pheasant or woodcock in any one season, nor more than two wild turkey in any one season; squirrel, from September fifteen to December thirty-one inclusive: *Provided*, that squirrel may be killed out of season when found destroying growing crops. For speckled, brook, rainbow or California trout, May first to August first inclusive, and no one person may catch more than twenty-five in any one day nor more than two hundred in any one season, and any trout under six inches in length shall immediately be returned to the stream from which caught, and trout may be taken only with hook and line and in no other manner whatsoever.

SEC. 5. That it shall be unlawful for any person to set any steel-trap, deadfall, snare, net, pen, fish basket, or gill net, or any device whatsoever for catching wild animals, birds, or fish: *Provided*, that rabbit-gums or boxes shall not be construed to fall under this prohibition; and *provided further*, that a land-owner may set traps on his own premises in protection of his own growing crops or poultry. Unlawful.

SEC. 6. That it shall be unlawful for any person, firm or corporation to sell, offer for sale, or to have in possession for purposes of sale either directly or indirectly any deer or part thereof, any partridge or quail, pheasant, wild turkey or doves or any brook, or speckled trout or any California or rainbow trout, and it shall further be unlawful for any such person, firm or corporation to ship, convey, transport or cause to be shipped, transported or conveyed in any manner whatsoever out of Avery County for the purpose of sale any such game or fish, and any person so doing shall be guilty of a misdemeanor and shall upon conviction be fined not less than twenty-five dollars nor more than one hundred dollars for each and every conviction. Unlawful.

SEC. 7. That it shall be unlawful for any person or persons to hunt or fish upon the lands of another without first having obtained the permission of the owner of such lands or his authorized representative. Unlawful.

Unlawful.

SEC. 8. That it shall be unlawful for any person or persons to take or catch any trout, bass or other game fish with nets or seines, or to shoot the same on their beds when spawning. That it shall be unlawful to kill any such fish with dynamite or other explosive; and any person violating the provisions of this section shall be guilty of a misdemeanor and shall upon conviction be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned not less than thirty days nor more than six months in the discretion of the court.

Violation
misdemeanor;
penalty.

SEC. 9. That any person who shall violate any of the provisions of this act for which a penalty is not herein provided shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars or imprisoned not more than thirty days.

Failure to
perform duties.

SEC. 10. That any officer who fails to perform any duty imposed upon him or to make proper investigations of any violation of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned not more than three months or both.

Does not repeal.

SEC. 11. That the provisions of this act shall not be construed to repeal or modify any special or local acts regulating fishing in certain named streams of Avery County, nor shall the provisions of this act be construed to repeal or modify the bird sanctuary law applying to that part of Grandfather Mountain in Avery County.

Conflicting
laws repealed.

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

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A D. 1925.

CHAPTER 470

AN ACT TO AMEND CHAPTER 156, PUBLIC-LOCAL LAWS,
EXTRA SESSION OF 1924, AND TO APPOINT A GAME
WARDEN.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred and fifty-six of the Public-Local Laws of the extra session of nineteen hundred and twenty-four be and the same is hereby amended by striking from said chapter all of section five.

Game warden
appointed.

SEC. 2. That C. K. Hancock is hereby appointed game warden for Craven County for two years.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 471

AN ACT TO PROTECT FISH AND FIX THE LICENSE TAXES FOR FISHING IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person above the age of sixteen years to take fish with hook and line, rod or reel, or by any other means from the waters of Watauga County without first procuring a license as follows: For protection of fish.

(1) First for any bona fide resident of the county to take fish with hook and line, rod or reel in said county the license tax of one dollar shall be required. License tax.

(2) For any person above the age of sixteen not a bona fide resident of the county of Watauga to take fish with hook and line, rod or reel, in said county a license tax of two dollars shall be required. License tax.

SEC. 2. That license taxes required under this act shall be collected by an inspector or warden to be appointed by the State Fisheries Commissioner, and all moneys received by such wardens or inspectors from the sale of licenses shall be remitted by such inspectors or wardens once a month to the Fisheries Commissioner, and all moneys so received by said Fisheries Commissioner shall be placed to the credit of Watauga County. Collection license taxes.

SEC. 3. That all moneys collected under and by virtue of this act shall be used in paying the salaries of wardens or inspectors in the said county of Watauga and it shall be the duty of such inspector or warden to collect all license taxes and enforce the fishing laws and such rules and regulations as the Fisheries Commission Board may from time to time promulgate. Use of license taxes.

SEC. 4. It shall be the duty of the Fisheries Commissioner to furnish all inspectors or wardens with necessary and proper license books and report blanks and to prescribe the duties of wardens and inspectors. License books.

Clerk of court
may issue
licenses.

SEC. 5. The clerk of the Superior Court of Watauga County is authorized to issue licenses to both resident and nonresident fishermen on application. Necessary license books and blanks to be furnished by the Fisheries Commissioner, and such compensation as may be deemed proper and just by the Fisheries Commission, shall be allowed the clerk of the Superior Court who issues licenses as herein provided. The said clerk of the Superior Court shall remit the full amount of his collections from the sale of licenses to the Fisheries Commissioner at the end of each month.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 472

AN ACT TO AUTHORIZE THE APPOINTMENT OF A ROAD COMMISSIONER AND PURCHASING AGENT FOR ANSON COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
to elect "road
commissioner and
purchasing
agent."

SEC. 1. The board of commissioners of the county of Anson are hereby authorized and empowered upon the first Monday in April, one thousand nine hundred and twenty-five, to elect some well-qualified person as "road commissioner and purchasing agent." His term of office shall extend to the first Monday in December, one thousand nine hundred and twenty-six, and until his successor in office is elected. On the first Monday in December, one thousand nine hundred and twenty-six, and biennially thereafter, said board of commissioners shall elect some well-qualified person as "road commissioner and purchasing agent," who shall hold office for the term of two years and until his successor is elected and qualified.

Oath of
office; bond.

SEC. 2. The "road commissioner and purchasing agent" shall take an oath for the faithful performance of the duties of his office and give bond in such sum as may be fixed by the board of commissioners for the faithful performance of the duties of his office, and shall receive as compensation for all the services performed by him as "road commissioner and purchasing agent," such sum as may be fixed by said board of commissioners of the county of Anson, not to exceed the sum of one hundred and seventy-five dollars per month, said sum to be paid out of the

Compensation.

general county fund and the Anson County road fund in proportion to the amounts of each fund which may be expended under the supervision of or by the direction of said "road commissioner and purchasing agent." In addition to the compensation hereinbefore provided for, the board of commissioners of Anson County may, in their discretion, allow said "road commissioner and purchasing agent" such sum as a monthly expense account as they may deem necessary, and all such sums allowed by said board of commissioners as expense account shall be paid out of the general county fund and the Anson County road fund in the proportion herein provided for the payment of the salary of said "road commissioner and purchasing agent."

Expenses.

SEC. 3. Said "road commissioner and purchasing agent" shall have charge of the purchasing of everything during his continuance in office to be purchased by the county of Anson for the jail, courthouse, county home, chain gang, Anson County roads, or by any fund for the improvement of the Anson County roads and bridges and for county purposes, and shall have charge of the allotting of all contracts for the construction, maintenance or repairing of any roads, bridges, public grounds or buildings, or property of Anson County, except school property and of the expenditure of all moneys which may be expended for county or road purposes. No moneys shall be paid out except by the approval of the board of commissioners of the county of Anson; nor shall any contract or agreement made by the "road commissioner and purchasing agent" be valid or binding unless the same be approved by the board of commissioners of Anson County.

Duties, etc.

SEC. 4. Said "road commissioner and purchasing agent" may for neglect of duty, incompetency, inefficiency, or any other sufficient cause, be at any time removed from office by the board of commissioners of the county of Anson, and may without cause be removed by said board of commissioners upon thirty days notice. He shall in all matters be subject to the orders of said board of commissioners.

Removal.

SEC. 5. Said "road commissioner and purchasing agent" shall be the head of the public road system of Anson County, and shall have charge of the laying out, construction and maintenance of public roads and bridges and shall direct the work of all patrolmen. He shall have charge and supervision of all road contractors, patrolmen and the county chain gang, subject, however, to the orders and directions of the board of commissioners of Anson County. An office shall be provided for him in the county courthouse.

Head of public road system.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 473

AN ACT MAKING IT THE DUTY OF CERTAIN LANDOWNERS ALONG SOUTH DEEP CREEK IN YADKIN COUNTY TO KEEP SAID CREEK FREE FROM OBSTRUCTIONS.

The General Assembly of North Carolina do enact:

Duty of
landowners.

SECTION 1. That it shall be the duty of the owners of land facing or abutting on South Deep Creek in Yadkin County to keep said creek free from logs, timber, sprouts, brush, rock, and as near as possible, sand and similar obstructions, in order that the stream flow may be as unimpeded as possible and the banks of said stream may be cut deeper so as to drain adjacent lands. Failure on the part of said landowners to clear that part of the stream flowing opposite their land to the center of said stream at least once a year, not later than the last week in August, shall be prima facie evidence of a violation of this act.

Use of
dynamite.

SEC. 2. Any or all of the landowners owning land described in section one of this act shall have the right, and it shall be lawful for one or all of them to use dynamite, if necessary, in order to blast any shoals that may be in the stream described in section one.

Violation
and penalty.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not exceeding thirty days.

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 474

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS OF THE SESSION OF 1919, IN REGARD TO THE HUNTING OF GAME IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of chapter one hundred and sixty-eight of the Public-Local Laws of the session of one thousand nine hundred and nineteen is hereby repealed and the following substituted in lieu thereof. Chapter repealed.

SEC. 2. *Appointment of game warden.* That the board of county commissioners is hereby authorized to appoint a person to be known as chief game warden of Surry County. It is further authorized to appoint a deputy warden for each township in the county, and additional deputy wardens where needed. The board of county commissioners shall pay said chief game warden the sum of six hundred dollars (\$600) per annum: *Provided, however,* that if the sum of six hundred dollars is not collected from fines and license taxes provided for in this act, the commissioners shall pay such part of said six hundred dollars as shall be collected. The compensation of the deputy wardens shall be fifty per cent (50%) of the fines collected in the cases where conviction of violations of the provisions of this act shall be secured by such deputy warden. Appointment of game warden.

SEC. 3. *Duties of game warden and powers delegated to him.* It shall be the duty of the chief game warden to perform the duties imposed by the provisions of this act, and to that end he shall be required to file with the clerk of the court for Surry County a bond in the amount of one thousand dollars (\$1,000) conditioned that he so perform these duties. The chief game warden and each of his deputies shall have power to execute all warrants issued for the violation of any provisions of this act and to serve subpoenas for the examination, investigation or trial of offenders against any of the provisions of this act, to arrest without warrant any person violating the provisions of this act in his presence and take such person immediately before a court having jurisdiction for trial. Duties and powers of game warden.

SEC. 4. That the fine for the violation of any provision of this act shall be not less than fifteen dollars (\$15) nor more than twenty-five dollars (\$25) for the first offense; nor less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for the second offense; and not less than ten days nor more than thirty days in jail for the third offense. And that all fines collected for violation of the provisions of this act shall Fine for violation.

be turned over to the board of county commissioners for paying the salary of the chief game warden and his deputies and for the further development and protection of the wild game of the county.

Manner of taking game defined.

SEC. 5. *Manner of taking game defined.* Game birds and game animals may only be taken, except as provided for in this act, in the day time, between half an hour before sunrise and sunset, with a shotgun not larger than a number twelve gauge, or a rifle, or with dogs and gun as the case may be.

SEC. 6. *Open season and bag limit.* The game birds and game animals named in the following table may be taken only during the period set opposite the name of each species, and in numbers not greater than that shown in the table for each person taking or hunting them, both dates included:

Open seasons.

<i>Name</i>	<i>Open Season</i>	<i>Bag Limit</i>
Squirrel.....	September 15th-February 1st.....	10 per day
Rabbit.....	October 15th-March 1st.....	None
Gray and red fox.....	October 15th-March 1st.....	None
Quail.....	December 1st-February 1st.....	15 per day
Grouse or pheasant....	December 1st-February 1st....	5 per season
Woodcock.....	December 1st-February 1st....	5 per day
Dove.....	None	None
Opossum.....	October 1st-February 15th.....	None

Exceptions and extra provisions.

SEC. 7. *Exceptions and extra provisions.* It shall be lawful for any person or persons to trap rabbit or other game animals during the open season, but it shall be unlawful to trap, snare or net the game birds protected by the provisions of this act. It is further provided that if any of the game animals protected in this act shall become by reason of their depredations a menace to the community, upon receipt of a petition signed by fifteen (15) citizens of the community so affected, the chief game warden may allow the killing of such animals out of season until such conditions are removed.

Licenses.

SEC. 8. *Licenses.* Each person taking or hunting game birds or game animals protected by the provisions of this act shall procure from the clerk of the Superior Court of Surry County an annual license, the fees for which shall be as set out in the following section: *Provided, however,* that where such persons taking or hunting game birds or game animals shall be hunting on his own land exclusively, he shall not be required to secure a license; and *provided further,* that the minor dependent children of any person securing a license shall not be required to hold a license in their own name.

For a bona fide resident of North Carolina, but not of Surry County, five (5) dollars per annum; for a nonresident of the State of North Carolina, fifteen (15) dollars per annum. The clerk of the court shall deduct a fee of twenty-five (25) cents for each license issued and turn the balance over to the county commissioners to be used in protecting the game of Surry County. Each hunter shall at all times while hunting carry on his person his license, and shall exhibit same when asked to do so by any warden or other officer requesting that he do so.

SEC. 9. That it shall be unlawful for any person, firm or corporation to offer for sale, sell, serve in a restaurant or other eating place for value, at any time in Surry County, either quail or grouse as protected in this act.

Sale of game.

SEC. 10. That the county commissioners of Surry County shall provide for the printing and distribution of five thousand (5,000) copies of this act, the cost to be paid out of the receipts of license fees collected from violations of this act.

Copies of this act.

SEC. 10a. That the provisions of this act shall apply to Stokes County also.

Application of act.

SEC. 11. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 12. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 475

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BUNCOMBE COUNTY SCHOOL BOARD OR BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the school board or board of education of the county of Buncombe shall receive without mileage as full compensation for any and all services rendered by such member by reason of his office the sum of three hundred dollars (\$300) per year, payable in equal monthly installments of twenty-five (25) dollars per month out of the school funds of said county not otherwise appropriated: *Provided*, the sum of five (5) dollars shall be deducted from the amount any member of said board is to receive hereunder for each and every meeting of said board said member fails to attend.

Compensation members school board of education.

Violation
misdemeanor;
penalty.

SEC. 2. That any member of said school board or board of education of Buncombe County violating any of the provisions of this act shall be guilty of a misdemeanor; and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the court.

Conviction
of any member.

SEC. 3. That the conviction of any member of said board hereunder shall instantly and automatically vacate and remove such member from office or membership on said board, and the vacancy so created shall be filled as now provided by law.

Does not apply
to chairman.

SEC. 4. That this act shall not apply to the chairman of said board.

Conflicting
laws repealed.

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.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 476

AN ACT TO AMEND CHAPTER 464, PUBLIC-LOCAL LAWS OF 1923, RELATIVE TO KILLING OF QUAIL IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two of chapter four hundred and sixty-four, Public-Local Laws of nineteen hundred and twenty-three, is hereby amended by striking out "January," in line four thereof, and inserting in lieu thereof the word "February" and by striking out the words "first day of October," in said line, and inserting in lieu thereof the words "fifteenth day of November."

Application
of act.

SEC. 2. That this act shall apply to Cherokee County only.

SEC. 3. This act shall be in force from and after its ratification.
Ratified this the 9th day of March, A.D. 1925.

CHAPTER 477

AN ACT TO CREATE AN AUDITOR FOR UNION COUNTY.

The General Assembly of North Carolina do enact:

Office of auditor
created.

SECTION 1. The office of auditor of Union County is hereby instituted and created. The auditor of said county shall receive

such salary as the board of county commissioners may fix, payable monthly, and shall forthwith make and execute a bond in the sum of ten thousand dollars, payable to the State of North Carolina, as is required of other county officers, conditioned that he will diligently, truly and faithfully perform all the duties of his office and shall take the oath required of other county officers.

SEC. 2. It shall be the duty of the auditor to make out the tax list now required by law; to be clerk to the board of county commissioners of Union County, and keep the minutes of said board; to investigate and to inquire for all delinquent taxpayers, and to require all delinquent property, including polls, to be placed on the tax list, to supervise the listing of taxes and instruct the tax listers and assessors and advise with them; to act as accountant for the county, settling with the county officers; to supervise, scrutinize and examine at least once in every calendar month all books, accounts, receipts and vouchers and other records of all county officers, including the road commission and the board of education; to examine at least once each year the dockets of all justices of the peace of said county, and he is hereby empowered to require the said justices of the peace to bring their books to his office at least once per year for inspection, and said justices of the peace shall not be required to make report to the grand jury, and he is hereby authorized to administer oaths on verification of claims which may be filed against the county or any subdivision thereof, or to parties filing reports with him of any kind; he shall furthermore be required to open a set of account books, in which shall be shown the total monthly receipts and disbursements of the sheriff, treasurer, clerk of court, register of deeds, road commission and board of education of Union County, and shall keep said books in an expert and intelligent manner, assigning distinct and separate accounts for each and every separate office, which books shall be permanently kept as the records of his office and always open to the public inspection. He shall likewise visit the county jail, the county home, the chain gang, the other county institutions, and examine the same and require them to keep such records as may be necessary to be kept by said institution. He shall likewise audit all bills and claims presented to the board of county commissioners of said county, the board of education of said county, the board of road commission of said county, and no bill or claim shall be paid by either of said boards until it has been audited and approved by said auditor; and all warrants drawn upon claims or bills allowed by either of said boards, shall be countersigned and

Duty of
auditor.

approved by said auditor before it shall be honored or paid by the treasurer of said county.

Further duties
of auditor.

SEC. 3. The said auditor shall see that all fees and fines received through the channels of the recorder's court of the city of Monroe are properly distributed and that all fines and penalties are turned over to the proper authorities.

Further duties.

SEC. 4. It shall be the duty of said auditor to familiarize himself with the market prices and assist in buying the supplies of the county, or any of the institutions of the county, and keep a complete record of any and all things done by him. He shall make a written report to each and every sitting of the grand jury of Union County of the conditions of his office, and any of the other institutions or offices of the county, and make a report of any and all matters concerning the county's welfare, and any recommendations that he may see fit to make, which said recommendations shall be embodied in his said report to the grand jury.

Further duties.

SEC. 5. That he shall do and perform such other things as may be required of him by the board of county commissioners of Union County.

Further duties.

SEC. 6. That the said auditor shall open and keep an office to be selected and furnished by the board of county commissioners of said county in the courthouse, or some other convenient and public place in the city of Monroe, in which office he shall safely and securely keep the records of his office.

Assistants
to auditor.

SEC. 7. The board of county commissioners are hereby empowered, in their discretion, to employ such assistants to said auditor as they shall deem necessary from time to time, paying such assistants such salary or compensation as they shall deem just and reasonable.

Appointment
of auditor.

SEC. 8. That it shall be the duty of the board of county commissioners of Union County on the first Monday in April, one thousand nine hundred and twenty-five, or as soon thereafter as they can agree upon a suitable person for said job, to appoint an auditor for Union County, who shall hold his office as long as his services are satisfactory to the board of county commissioners of Union County.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 478

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY TO ISSUE BONDS FOR THE PURPOSE OF HARD-SURFACING THE ROADS IN SCOTLAND NECK AND PALMYRA TOWNSHIPS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and hard-surfacing the public road leading from the Martin County line through the town of Hobgood through the township of Palmyra to the town of Scotland Neck, said road being a part of highway number one hundred and twenty-five as numbered by the State Highway Commission, the board of commissioners of Halifax County is hereby authorized and empowered to issue bonds of said county in an aggregate amount not to exceed two hundred and forty thousand dollars, the said board of commissioners to prescribe the form and denomination of said bonds, and when the same shall become due and payable. The interest on said bonds shall not exceed the rate of six per cent per annum, and shall be payable semiannually at such time and place as the said board of commissioners shall designate.

Bond issue authorized.

SEC. 2. The said board of commissioners is further authorized to levy annually a special tax ad valorem on all taxable property in Scotland Neck and Palmyra townships of the said county of Halifax for the special purpose of paying principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Special tax.

SEC. 3. No bonds shall be issued under this act, nor any special tax levied to pay said bonds until the question of issuing said bonds shall be submitted to the voters of Scotland Neck and Palmyra townships of the said county of Halifax at an election, and a majority of the voters voting on said question shall be in favor of issuing such bonds, and the board of county commissioners of Halifax County are hereby directed to submit the question of issuing bonds under this act to the voters at a special election to be held before such bonds are issued. The board of county commissioners shall fix the date for holding said election, shall name the registrars and judges of election for the voting precincts in said townships, and shall cause notice of said election to be given by publication at least once in some newspaper published in Halifax County, the first publication to be at least thirty days before such election, and

Question of bonds.

Ballots.

shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election the voters who favor the issuance of said bonds and a levy of said tax shall vote a ballot on which shall be written or printed the words "For road bonds," and the voters who are opposed to the issuance of said bonds shall vote a ballot on which shall be written or printed the words "Against road bonds." At the close of the election the votes shall be counted and returns thereof made to the board of commissioners of Halifax County, for which purpose said board shall cause blank abstracts to be printed and furnished to the registrars and judges of election. On the first Thursday following the election the said board of county commissioners shall meet as a canvassing board, shall receive the returns of said election, shall judicially pass upon the returns, and shall judicially determine and declare the result of said election, all of which shall be recorded in the records of said board. The returns shall be executed in duplicate and one copy shall be delivered to the board of county commissioners as aforesaid and the other filed with the clerk of the Superior Court of Halifax County. In all other respects than those herein mentioned said special election shall be held and conducted, and the qualification of voters at said election determined as nearly as may be practicable in accordance with the general law relating to the holding and conducting of elections for members of the General Assembly, and the determination of the qualifications of the voters at such elections. The expense of holding said special election shall be paid out of the general funds of the county. If the board of county commissioners shall cause a notice containing a brief statement of the result of said election as determined by the board to be published at least once in a newspaper published in Halifax County no right of action or defense founded upon any invalidity in said action shall be asserted, nor shall the validity of said election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the first publication of said notice: *Provided, however,* that a copy of this sentence shall be incorporated in said notice. The board of county commissioners, in its discretion, may order a new registration for such special election, but such a new registration shall not be necessary unless ordered by the board.

Canvass of returns.

Sale of bonds.

SEC. 4. The said bonds shall be sold in the manner prescribed in chapter fifty-six, Consolidated Statutes of North Carolina, for sale of bonds for cities and towns. They shall not be sold for less than par and accrued interest.

SEC. 5. The said bonds may be either coupon or registered bonds and if issued in coupon form may be registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Halifax County and the county seal shall be affixed to the bonds and attested by the clerk of said board; the coupons of such bonds shall bear a printed or lithographed or engraved facsimile signature of the chairman of said board of county commissioners who is in office at the date of the bonds. The delivery of the bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing. Form.

SEC. 6. The said county commissioners are given full discretion as to whether said election shall be called and the special tax herein provided for levied and the said bonds issued. Authority given.

SEC. 7. The said board of county commissioners is hereby given authority to contract with the State Highway Commission for the hard-surfacing and constructing the above mentioned road, and if necessary, to use the proceeds of sale of the said bonds issued under this act for the furtherance of said purpose in such manner as they may deem fit. Hard-surfacing.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 479

AN ACT TO AUTHORIZE THE ISSUING OF BONDS FOR ROAD IMPROVEMENT IN COURT HOUSE AND SHILOH TOWNSHIPS, CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas it is necessary and essential to the citizens of the county of Camden, in getting to and from the county seat therein and to most all other portions of said county, that the main road or highway traversing the length of said county be improved and made more dependable so that the same can be traveled at all seasons of the year so as to enable the citizens of said county to travel to and from their county seat; get their mail regularly and for various other necessary, important and essential purposes. Preamble.

SEC. 2. That the political division of said county known as South Mills Township has heretofore issued bonds in the sum of fifty thousand dollars and has greatly improved its highways Bond issue authorized.

in that portion of said county and is ready and willing to further improve that portion of the main county highway leading to the county seat from the said bond money: *Provided*, all sections of said road leading to the county seat through the different townships be likewise improved; and whereas the remaining two townships of said county, viz.: Court House and Shiloh, desires to improve and make dependable that portion of said main highway traversing said townships, or other important roads in said townships; and whereas the levy of taxes for the general maintenance of roads in said county is insufficient to make the necessary improvements as aforesaid, and it is desired that the Camden County highway commission be authorized to issue bonds in an amount not exceeding one hundred thousand dollars for the aforesaid townships, Court House and Shiloh, to be paid by levy of tax upon the property and polls of said Court House and Shiloh townships, and to be applied to the payment of improvement of roads within said townships.

Bond issue
authorized.

SEC. 3. That the Camden County highway commission shall be and are hereby authorized and empowered to issue bonds for said Court House and Shiloh townships to be styled "Court House and Shiloh townships road bonds" to an amount not exceeding one hundred thousand dollars of such denominations and such proportions as said highway commission may deem advisable, bearing interest from the date of issue at a rate of interest not exceeding six per cent per annum with interest coupon attached, payable annually or semiannually as may be deemed best, at such time or times and such place or places as may be deemed advisable by said highway commission; said bonds to be signed by the chairman and secretary of said highway commission, and to be of such form and tenure, and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding forty years from date thereof, and at such place or places as the said highway commission may determine.

Sale of bonds.

None of the bonds shall be disposed of for less than their par value and the said bonds may be issued at such time or times and in such amount or amounts as may be deemed best to meet the expenditures provided for in this act. The liability for the payment of said bonds authorized by this act, together with all interest that may be due thereon, shall be attached to and imposed upon the political divisions of Camden County, known as Court House Township and Shiloh Township as constituted at the time of the ratification of this act.

Application
of proceeds.

SEC. 4. That the purchaser or purchasers of any part of said bonds shall not be required to see the application of the pro-

ceeds of any of said funds by the said Camden County highway commission.

SEC. 5. That immediately upon the issue of said bonds or any part of same, they shall be certified by the chairman and secretary of the said highway commission to the board of county commissioners of Camden County, and in order to pay the interest on said bonds as it may accrue, and create a sinking fund for the payment of said bonds at maturity, the board of county commissioners of Camden County shall annually levy a special tax on the property and polls in said Court House Township and Shiloh Township, observing always the constitutional equation between property and polls, of such amount as in their discretion may be deemed necessary to meet the interest accruing upon said bonds, and create a sinking fund to pay for said bonds as they may mature. That said tax shall be levied and collected from the property and polls of said Court House and Shiloh townships as other county taxes, and shall be imposed upon such property and other subjects as now or hereafter may become a subject to taxation under the laws of the State, and shall be collected by the officer or officers charged with the collection of other taxes, and who, shall in respect thereof be liable officially as well as personally to all the requirements of the law now prescribed or which may hereafter be prescribed for the faithful collection and payment of said taxes; and his commissions on the collections of said funds shall be one-half of the commissions now received by such officers in the collection of other taxes.

Special tax.

SEC. 6. That the said Camden County highway commission shall use the moneys arising from the sale of said bonds in the building and repairing of the highways of the said Court House and Shiloh townships, in such manner as in their discretion may seem best; and all such work may be done by contract or otherwise, as in the discretion of the said highway commission may seem advisable.

Use of moneys.

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 force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 480

AN ACT VALIDATING CERTAIN BONDS OF MITCHELL COUNTY AND LEVY TAX FOR THEIR PAYMENT.

Bonds
validated.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of county commissioners of Mitchell County adopted on the second of March, one thousand nine hundred and twenty-five, authorizing and selling fifty thousand dollars funding bonds of the county, and providing for a special tax, are hereby validated, and the said bonds, or any part thereof, may be issued and special tax collected accordingly.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A.D. 1925.

CHAPTER 481

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BURKE COUNTY TO ISSUE BONDS TO FUND THE FLOATING DEBT OF SAID COUNTY.

Preamble.

Whereas, Burke County has a floating debt of one hundred thousand dollars (\$100,000), which said debt was incurred for the following purposes and in the following amounts, to wit: Seventy-five thousand dollars (\$75,000) for maintaining and conducting the schools of said county; fifteen thousand dollars (\$15,000) in paying the general expenses of said county; and ten thousand dollars (\$10,000) in repairing the courthouse and jail of said county; and

Whereas, said debt is now in the form of short-term notes of said county, which said notes are held by banks and individuals and are drawing interest at the rate of six per cent per annum; and

Whereas, an issuance of bonds to fund said debt, as requested by the said board of commissioners, will enable the said board of commissioners to reduce the expense of carrying said debt: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. That for the purpose of funding the aforesaid floating debt of Burke County the board of commissioners of Burke County is authorized and empowered to issue and sell serial bonds of said county, bearing interest at a rate not exceeding

five per cent per annum, not exceeding in the aggregate one hundred thousand dollars (\$100,000). The said bonds may be either coupon or registered or partly registered and partly coupon or coupon bonds registered as to principal, as said board of commissioners may elect, and the said board may prescribe the form and denomination of said bonds and all other matters of detail connected with the issuing and sale of said bonds. But said bonds, when issued, shall be signed by the chairman of said board of commissioners and countersigned by the clerk of said board and attested by the official seal of said county of Burke: *Provided*, that facsimile signatures shall be sufficient upon coupons.

SEC. 2. The issuing of said bonds is hereby declared to be a lawful exercise of the powers of said board of commissioners of Burke County, and the powers granted in this act are in addition to the existing powers of said board and are not to be taken as limited by any restrictions contained in any other laws; and the purposes for which said bonds are issued are hereby declared to be a county necessity.

Issuing lawful
power
commissioners.

SEC. 3. Said bonds shall mature and be payable at such times and place as said board of commissioners may determine; but the time of maturity and payment of any of said bonds shall not run longer than twenty years from the date of issuing any of the same. That the interest and coupons shall be payable annually or semiannually, as said board of commissioners may determine, at such place or places as shall be fixed by said board of commissioners.

Maturity.

SEC. 4. At the time of levying other taxes there shall be levied by said board of commissioners and collected, as other taxes are collected each year, a sufficient tax for the special purpose of paying the interest upon said bonds and for paying off and retiring said bonds at maturity.

Special tax.

SEC. 5. That none of said bonds shall be sold or disposed of for less than the par value of the same. That the said board of commissioners shall publicly advertise the sale of said bonds in the manner prescribed by law and shall sell the same only after such advertisement to the highest bidder or bidders: *Provided, however*, that the said board of commissioners shall have the right to reject any and all bids for said bonds.

Sale of bonds.

SEC. 6. That the proceeds arising from the sale of said bonds shall constitute a separate and distinct fund to be applied to the purposes hereinbefore mentioned in this act and to no other: *Provided, however*, that the purchaser or purchasers of the bonds issued hereunder shall not be bound to see to the application of the proceeds of the sale of said bonds.

Proceeds
separate fund.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 482

AN ACT TO AUTHORIZE THE ISSUE OF SCHOOL BONDS BY THE BOARD OF EDUCATION OF MARTIN COUNTY FOR THE PURPOSE OF PROVIDING THE NECESSARY BUILDING AND EQUIPMENT FOR MAINTAINING A SIX MONTHS SCHOOL TERM IN BEAR GRASS SCHOOL DISTRICT OF THE COUNTY AND REQUIRING THE BOARD OF COUNTY COMMISSIONERS TO LEVY A SUFFICIENT TAX TO PAY THE PRINCIPAL AND INTEREST AS THEY RESPECTIVELY MATURE.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. In order to maintain a public school in Bear Grass school district six months in every year pursuant to article nine, section three of the Constitution, it is necessary to construct and equip a school building in the district in place of the school building recently destroyed by fire and in aid of such purpose the board of education of Martin County is hereby authorized to issue the bonds of the county in an amount not to exceed twenty thousand dollars (\$20,000).

Maturity.

SEC. 2. That said bonds shall mature at such time or times as the board of education shall determine not exceeding twenty years from their date and shall bear interest at such rate not exceeding six per cent per annum, payable semiannually and shall be payable at such places, shall be in such form and shall be sold in such manner as the said board of education shall prescribe.

Special tax.

SEC. 3. When any of the said bonds shall have been issued the board of county commissioners of Martin County is hereby authorized and directed to levy and collect in the same manner as other county taxes are levied and collected a special annual ad valorem tax upon all the taxable property of said county sufficient to provide for the payment of the principal and interest of the said bonds as they respectively mature.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 483

AN ACT RELATING TO THE PROTECTION AND PROMOTION OF WILD BIRDS AND ANIMALS AND GAME FISH OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That this act shall be known as the Pamlico County game law.

Pamlico County game law.

SEC. 2. That for the purpose of this act the following shall be construed respectively to mean:

Commission—Pamlico County game commission.

Definitions.

Person—The plural or single as the case demands, including individuals, associations, partnerships and corporations unless the context otherwise required.

Open season—The time during which birds or animals or game fish may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Close season—The time during which birds or animals may not be taken.

Game animals—Deer, bear, squirrels and rabbits.

Fur-bearing animals—Skunk, muskrats, raccoon, opossum, red and grey fox mink, otter and wildcat.

Nongame animals—All wild animals except game animals and fur-bearing animals.

Upland game birds—Quail, commonly known as bob-white or partridge, wild turkey, grouse and pheasants.

Migratory game birds—Anatidae or waterfowl, including brant, wild ducks, geese and swans, gruidae or cranes, including little brown, sandhill and whooping cranes; rallidae or rails, including coots, gallinules, sora and other rails; limicolae, or shore birds, including avocots, curlew, dowitchers, godwits, knots, oyster catchers, plovers and sand-pipers, silts, surf-birds, willet, woodcock and yellow leg; columbidae or pigeons, including doves and wild pigeons.

Nongame birds—All wild birds except upland game birds and migratory game birds.

Game fish—Black bass, pike, or pickerel and all fresh water perch.

SEC. 3. *Application and construction of act.* In all cases where possession, transportation purchase or sale of any wild animals, wild birds or game fish or any part thereof is restricted or unlawful, the possession, transportation, purchase or sale shall be deemed to be and is, unless otherwise herein provided, unlawful.

Application and construction of act.

Taking, limit, possession and sale of game and game fish restricted.

SEC. 4. *Taking, limit, possession and sale of game and game fish restricted.* No person shall at any time of the year take in any manner, number or quantity any wild birds, wild animals or game fish or possess, buy, sell, offer or expose for sale at any time or in any manner any such birds, animals or game fish except as permitted by this act.

Manner of taking game defined.

SEC. 5. *Manner of taking game defined.* Game birds and game animals shall be taken only in the day time, between daybreak and dark with a shotgun, not larger than ten guage or which will not carry more than two loads at one time, or a rifle unless otherwise specifically permitted by this act. No person shall take any game or game animal or migratory birds by the aid of or by the use of any jack-light or other artificial light or poison; nor shall birds or animals be taken from an airplane or power boat. A person may take game birds and wild animals during the season thereof with the aid of dogs unless specifically prohibited by this act: *Provided*, that no game birds or game animals shall be taken during the close season by reason thereof.

Licenses.

SEC. 6. LICENSES.

Hunting, trapping and fishing licenses.

Subsection 1. *Hunting, trapping and fishing licenses.* No person shall at any time take any wild animals or wild birds or game fish without first having procured a license as provided by this act, which license shall authorize him to hunt, trap or fish only during the periods of the year when it shall be lawful in Pamlico County: *Provided*, that nothing in this act shall be construed to prevent any person or his family from hunting on his own land.

Application for license.

Subsec. 2. *Application for license.* The applicant for a license shall fill out a blank application furnished by the county game warden stating applicant's name, age, color, occupation, place of residence and postoffice address and whether a citizen of Pamlico County or not.

Fees.

Subsec. 3. *Fees.* Said applicant, if a resident of Pamlico County shall pay to the county game warden or such person as he may designate the sum of two dollars (\$2) as a license fee, and if a nonresident of Pamlico County, he shall pay to the game warden, or such person as said game warden shall designate, the sum of five dollars (\$5) as a license fee.

Form of license.

Subsec. 4. The form of the license shall be determined and the license blanks prepared by the county game warden. Each license shall be issued in the name of the county game warden and countersigned by him.

Termination of license.

Subsec. 5. *Termination of license.* Each of such licenses shall be void after the first day of April, next succeeding the date of issuance.

Subsec. 6. *Carrying and exhibiting license.* Each licensee shall have his license on his person at all times when he is taking animals, birds, or game fish and shall exhibit same for inspection to any warden or other officer requesting to see it.

Carrying and exhibiting license.

SEC. 7. *Open season and bag limits.* The game birds, game animals, fur-bearing animals, migratory birds and game fish named in the following table may each be taken during the period set opposite the name of each individual species, both dates being inclusive.

Open season and bag limits.

<i>Name of species</i>	<i>Open season</i>
Squirrel.....	November 1 to January 15
Rabbit.....	No closed season
Deer.....	September 1 to December 31
Bear.....	No closed season
Raccoon.....	November 1 to March 1
Opossum.....	November 1 to March 1
Mink.....	November 1 to March 1
Skunk.....	November 1 to March 1
Otter.....	November 1 to March 1
Wildcat.....	No closed season
Muskrat.....	December 1 to March 1
Fox.....	No closed season
Quail.....	November 25 to March 1
Wild turkey.....	November 1 to March 1
Grouse and pheasants.....	No open season
Ducks, geese, brant, Wilson snipe....	November 1 to January 31
Black-bellied and golden plover, greater and lesser yellow legs....	September 1 to December 15
Woodcock.....	November 1 to December 31
Dove.....	November 1 to December 31
Black bass, pike and pickerel.....	May 1 to September 1
Perch of all kind.....	April 1 to July 1
Stripped bass or rock.....	No closed season
White perch.....	No closed season

Open seasons.

Bag Limits. It shall be unlawful to take in the period of time set opposite each individual name of species in the following table a greater number of each species of birds, animals or game fish than is enumerated in the column of said table headed "Bag limit.":

Bag limits.

<i>Name of species</i>	<i>Period of Time</i>	<i>Bag limit.</i>
Squirrel	In one day.....	7
Deer	In one day.....	1
Deer	In one season.....	4
Quail	In one day.....	15
Wild turkey.....	In one day.....	2
Wild turkey.....	In one season.....	8
Duck in the aggregate		
of all kinds.....	In one day.....	25
Geese	In one day.....	8
Brant	In one day.....	25
Rails, coots, gallinules in		
the aggregate of all kinds, In one day.....		25
Black-bellied and golden plover, greater, lesser yellow legs in		
the aggregate of all kinds, In one day.....		15
Doves	In one day.....	15
Woodcock	In one day.....	6
Black bass.....	In one day.....	15
Perch in the aggregate of all		
kinds except white perch, In one day.....		30

Certain nongame birds unprotected.

SEC. 8. *Certain nongame birds unprotected.* English sparrows, great horned owl, Cooper's hawk, sharpshinned hawk, crows, jays, blackbirds and buzzards, and their nests and eggs may be taken at any time and in any manner: *Provided*, that when the game fund shall be sufficient the county game warden shall offer and pay a reward of ten cents (.10) a head on each of such nongame birds as are designated in this section when he shall have been satisfied that said birds have been killed.

Unlawful.

SEC. 9. It shall be unlawful for any person at any time in Pamlico County to kill any female deer; any one violating this section of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned in the discretion of the court.

Violation and penalty.

Manner of taking game fish defined.

SEC. 10. *Manner of taking game fish defined.* Game fish may be taken by means of hooks and lines, reels and rods and such other individual fishing tackle as is ordinarily used by individuals except nets and traps: *Provided*, that it shall be lawful to take game fish during the open season and retain same only in set nets and drop nets.

Violation misdemeanor; penalty.

SEC. 11. Any person violating any of the provisions of this act, the penalty for which is not otherwise designated in this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25) nor more than fifty dollars, (\$50) or imprisoned not less than ten nor more thirty days.

SEC. 12. That there shall be appointed and named by this act and by this Legislature three persons who are citizens of Pamlico County, who shall constitute and be known as the Pamlico County game commission, who shall meet on the first Mondays in March and October of each year and for which meetings said commission shall be entitled to five dollars (\$5) each as compensation, said commission may meet as often as they see fit at other times but shall not receive compensation for such meetings.

Pamlico County
game
commission.

SEC. 13. It shall be the duty of the Pamlico County game commission at their regular or special meetings to appoint one county game warden and such deputy game wardens as they may deem necessary to carry out the provisions of this act.

County game
warden
appointed.

SEC. 14. It shall be the duty of the county game warden to execute and carry out the provisions of this act and he shall have the general supervision over and the execution of the provisions of this act.

Duties county
game warden.

SEC. 15. The said county game warden shall be required to give bond in the sum of five thousand dollars (\$5,000) to the county game commission for the faithful performance of his duties as such game warden and in lieu of such moneys as he may collect for the benefit of the fund hereinafter designated.

Bond of
warden.

SEC. 16. That all licenses, fees, fines, penalties and forfeitures collected by reason of this act shall be known as the game fund of Pamlico County, and shall be deposited in the treasury of Pamlico County to the credit of the game fund and shall only be drawn by voucher properly signed by the chairman of the county game commission.

Game fund.

SEC. 17. The county game commission shall fix the salary of the county game warden not to exceed fifteen hundred dollars (\$1,500) and may allow him actual necessary traveling expenses not to exceed six hundred dollars (\$600), all of which shall be paid out of the Pamlico County game fund.

Compensation.

SEC. 18. The Pamlico County game commission shall consist of the following named persons for a period of two years, to wit: Dr. D. A. Dees, who shall be chairman of said commission; H. W. Brinson and R. L. Woodard, who shall constitute the other two members of said commission, are by this act appointed as the Pamlico County game commission, who shall serve until their successors are appointed by the General Assembly and qualified: *Provided*, that if any member of said commission as is hereby appointed by this act should fail to qualify, then the remaining members of said board, after qualification, may appoint some person to act in his stead, who when qualified, shall become a member of said county game commission: *Provided further*, that if all said members should fail to qualify the board of county

Pamlico County
game
commission.

commissioners of Pamlico County may appoint three citizens of said county, who when qualified, shall constitute the Pamlico game commission.

Supervision.

SEC. 19. The said Pamlico County game commission shall have general supervision over the county game warden and shall require him at their regular meetings, on the first Monday in March and October of each year to render to them a complete statement of the financial conditions of the county game fund and also a general statement of the execution of the laws as carried out by him.

Use of funds.

SEC. 20. Whenever the game fund of said county is sufficient in excess of the amount necessary to enforce the provisions of this act, the county game commission may use so much of said funds as they may deem necessary for the promotion of game fish, game birds and game animals.

Unlawful set steel-traps.

SEC. 21. It shall be unlawful for any person, firm or corporation to set any steel-trap nearer than four feet above the ground on the lands of any other person than himself; any person violating the provisions of this section of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned in the discretion of the court.

Violation and penalty.

SEC. 22. That when any person is convicted for the violation of the provisions of this act there shall be charged in the bill of cost the sum of five dollars (\$5), which said cost shall be paid to the person furnishing evidence sufficient to convict said person: *Provided*, that the county game warden shall not receive the amount provided for in this section.

Conflicting laws repealed.

SEC. 23. That all laws and clauses of laws in conflict with this act are hereby repealed.

Unconstitutionality.

SEC. 24. Should the Supreme Court hold any part of this act to be unconstitutional the remainder of said act shall remain in full force and effect.

SEC. 25. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 484

AN ACT TO PROMOTE EDUCATION IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Promotion of education.

SECTION 1. That any high school which has been established and maintained in Beaufort County for ten years or more prior to the enactment of this law shall be maintained and operated

in the same manner and to the same extent as it has been heretofore and the county board of education shall not in any manner whatsoever order or otherwise provide for any change in respect to the operation of such school which would deprive it of any of its rights, privileges or emoluments, and no department or plan relating to the said school shall be discontinued without the consent of the local school board in charge of such school so long as said school conforms to the rules and regulations prescribed by the State Board of Education: *Provided*, that this act shall not be construed as in any manner preventing said county board of education from enlarging, expanding or extending the operation of any such school.

Proviso.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 485

AN ACT TO FIX THE COMPENSATION OF ROAD COMMISSIONERS OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three (3) of chapter three hundred seventeen (317) of the Public-Local Laws of one thousand nine hundred thirteen be amended by striking out the words, "The members of said road commission shall serve without compensation," in lines eight and nine thereof, and inserting in lieu thereof the following: "The chairman and each member of said commission shall receive as compensation five dollars (\$5) per day for each regular or special meeting, and five (5) cents each way as mileage."

Amendment.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 486

AN ACT TO AMEND CHAPTER 116, PUBLIC LAWS OF 1919,
AS TO ANSON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That all moneys arising and collected in Anson County under the provisions of chapter one hundred and sixteen, Public Laws one thousand nine hundred and nineteen, shall be applied to the school fund of said county: *Provided*, it shall be the duty of the county commissioners of Anson County, upon complaint made to them of the injury to any person by any dog, upon satisfactory proof of such injury, to pay in their discretion to such person or persons, out of the funds created by said act, any part or all of the reasonable expenses incurred by such person or persons in being treated for the injury inflicted in the manner and way aforesaid.

SEC. 2. The provisions of this act shall be restricted to Anson County.

Conflicting laws repealed.

SEC. 3. All laws or clauses of laws in conflict with this act are to the extent of such conflict hereby repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 487

AN ACT TO CREATE A SPECIAL TAX DISTRICT IN
MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Special tax district.

SECTION 1. The board of education of Mitchell County is hereby authorized to designate as a special school taxing district: The beginning, at a point in Toe River opposite the mouth of Pig Pen, and running north to Rock Creek, thence up and with said creek to the ford at Andrew McCourrys, thence a northwest course up and with a branch east of said Andrew McCourry's house continuing to the top of the Big Ridge, thence with the Big Ridge a northerly course to the top of the mountain at the head of Brummetts Creek, thence with the dividing ridge between Brummetts Creek and Pigeon Roost Creek to G. B. Tipton's water saw-mill, thence in a northwesterly course to the forks of Coopers Branch near Mrs. Frankie Whitson's dwelling, thence down said branch to another fork of same

branch near G. D. Gouge's dwelling, thence a westwardly course to the Bradshaw and Poplar Township corner in a point on Toe River opposite the mouth of Cane River, thence up and with Toe River to the beginning, containing the territory heretofore embraced in Bradshaw Township districts number one and number four and a part of number five and a part of district number three Red Hill Township and excluding all other territory.

SEC. 2. That upon petition of one-fourth of the qualified voters residing in said territory a special election shall be called for the purpose of ascertaining the will of the people residing in said special tax districts as to whether a special annual tax in the amounts designated by the petitioners not to exceed thirty cents on the hundred valuation of property shall be levied and collected, the proceeds of said special tax to be used to supplement the funds of the six months term and equalize school facilities within said special tax district.

Question submitted to people.

SEC. 3. That after the petition for the election has been approved by the board of education the calling of said election shall conform to the methods given in article seventeen of the school code of one thousand nine hundred and twenty-three, and if a majority of the qualified voters at the election shall vote in favor of said special tax the levy and collection of said taxes shall be made as other special taxes are levied and collected.

In favor of.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 488

AN ACT TO PROTECT GAME IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any nonresident of the county of Onslow to hunt, shoot or take birds or other game in Onslow County without first obtaining a license from the clerk of the Superior Court of said county, or one of the game wardens of said county, for which such nonresident shall pay ten dollars as a license fee and the sum of fifty cents for the exclusive use of the clerk, and said fee for the said clerk of

Protection of game.

License.

the Superior Court shall be in addition to any salary received by him. Said license shall be issued upon such form as the said clerk may determine and shall run from July first to June thirtieth, next following the date of issue, and shall entitle the holder to such rights and privileges as now or which may hereafter be provided by law, provided this license tax shall not be charged against a nonresident of the county who owns in fee simple land in the county of Onslow and does not wish to hunt on any land in the county except that owned by him, nor to a bona fide guest staying in the home of a resident unless the main purpose of said guest shall be to hunt in said county, nor shall the members of any club maintained for the purpose of providing hunting for its members be required to pay individual license tax, but each club having a membership of one hundred members shall pay an annual license tax of one hundred and seventy-five dollars, and any club having a membership of one hundred-one members or more shall pay an annual license tax of two hundred dollars. Such taxes for licenses shall be paid to the clerk of the Superior Court, who shall issue a license for said club, and the secretary of the club shall issue copies to said members which shall entitle said members to hunt only upon such lands as shall be owned by said club or controlled by it under contracts duly recorded in Onslow County. No license issued to any club shall entitle the members of the club to hunt on any lands other than those above specified.

License tax.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 489

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF EDGE-COMBE COUNTY.

The General Assembly of North Carolina do enact:

Compensation fixed.

SECTION 1. That in addition to the compensation now allowed by law, the chairman and members of the board of county commissioners of Edgecombe County shall hereafter receive the sum of five dollars (\$5), each for every day's service in attend-

ing meetings of said board, or on committees pertaining thereto, for every day's service actually performed by such chairman or members of said board: *Provided*, that this compensation does not apply to the regular meeting of said board to be held on the first Monday in each month, or any meeting of said board held in lieu of such regular meeting: *Provided further*, that the additional compensation herein provided shall not exceed the sum of twenty-five dollars (\$25) each to the chairman or any member, in any one calendar month.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 490

AN ACT TO VALIDATE THE NOTARIAL ACTS OF J. E. OWENS AND L. M. WARING OF WAKE COUNTY.

Whereas, J. E. Owens and L. M. Waring of Wake County each held and performed the duties of coroner of Wake County and notary public during the period that each was duly acting as coroner of Wake County; and

Whereas, under the law both of these positions are offices of trust and the notarial acts performed are invalid because of this fact: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all of the notarial acts of J. E. Owens of Wake County performed during the period in which he was duly and lawfully acting as coroner of Wake County, now invalid because of his performing the duties of two officers, be and the same are hereby made valid in any and all respects.

Preamble.
Notarial acts validated.

SEC. 2. That all of the notarial acts of L. M. Waring of Wake County performed during the period since his qualification as coroner and before he resigned as notary public, now invalid because of his performing the duties of two offices, be and the same are hereby made valid in any and all respects.

Notarial acts validated.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 491

AN ACT TO PROTECT FOXES IN THE COUNTY OF IREDELL.

The General Assembly of North Carolina do enact:

Protection
of foxes.

SECTION 1. That it shall be unlawful for any person to shoot, trap, snare, net or in any manner kill or injure any foxes in the county of Iredell: *Provided*, that this section shall not apply to any person who may kill a fox or foxes while hunting with hounds: *Provided further*, that this section shall not apply to any person shooting a fox or foxes while in the act of committing depredation.

Unlawful.

SEC. 2. That it shall be unlawful for any person not a resident landowner of the county of Iredell to hunt foxes in Iredell County in any manner.

Violation
misdemeanor;
penalty.

SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined not exceeding fifty dollars (\$50).

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 492

AN ACT TO AMEND CHAPTER 464, PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE SALARY OF OFFICERS OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one of chapter four hundred and sixty-four, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the words and figures "thirty-five hundred dollars (\$3,500)," in the last two lines of said section, and by inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)."

Amendment.

SEC. 2. That section three of chapter four hundred and sixty-four, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the words and figures "five hundred dollars (\$500)," in the last two lines of said section, and by inserting in lieu thereof the words and figures "one thousand dollars (\$1,000)."

Amendment.

SEC. 3. That section four of chapter four hundred and sixty-four, Public-Local Laws of one thousand nine hundred and

twenty-one, be and the same is hereby amended by striking out the words "eighteen hundred dollars," in the last line of said section, and by inserting in lieu thereof the words and figures "twenty-four hundred dollars (\$2,400)."

SEC. 4. That section six of chapter four hundred and sixty-four, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking the words "two thousand dollars," from the fourth and fifth lines from the bottom of said section, and by inserting in lieu thereof the words and figures "twenty-four hundred dollars (\$2,400)."

Amendment.

SEC. 5. That chapter four hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by adding just after section six and just before section seven, in said chapter, two additional sections to be known as section six (a) and section six (b), as follows:

Amendment.

"Sec. 6(a). That the board of county commissioners of Gaston County be and it is hereby authorized and empowered, in its discretion, to fix the salary of the clerk of the Superior Court of said county in such an amount as it shall deem to be adequate and just, not to exceed, however, the sum of three thousand dollars (\$3,000).

Salary clerk of court fixed.

Sec. 6(b). That the board of county commissioners of Gaston County be and it is hereby authorized and empowered, in its discretion, to fix the salary of the register of deeds of said county in such an amount, as it shall deem to be adequate and just, not to exceed, however, the sum of three thousand dollars (\$3,000)."

Salary register of deeds fixed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 493

AN ACT TO AMEND CHAPTER 596, PUBLIC-LOCAL LAWS OF 1923, RELATING TO DISCOUNTS AND PENALTIES ON TAXES IN WILKES 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 one thousand nine hundred and twenty-three be and the same is hereby amended by inserting between the word "empowered" and the word "to,"

Amendment.

in line two of said section, the words "and directed"; and by striking out, in lines four, five and six of said sections, the following: "the schedules of discounts and penalties on taxes in Wilkes County, as now provided in the State Machinery Act, or in lieu thereof."

Amendment.

SEC. 2. That section three of said chapter be and the same is hereby amended by striking out, in line five, the words "may, in their discretion," and by inserting in lieu thereof the word "shall"; and by adding at the end of said section the following: "*Provided*, that if there is more than fifteen per cent of uncollected taxes as shown by tax books, then the sheriff may, in the discretion of the county commissioners, be charged with the collection of the excess taxes over fifteen per cent as provided in section six of this act, but nothing in this act shall relieve the sheriff or his bondsmen for any money collected on tax receipts returned that have not been properly credited."

Amendment.

SEC. 3. That said chapter be amended by inserting a new section between section three and section four, to be known as section three (a), as follows:

"Sec. 3(a). That at the April meeting of the board of county commissioners of Wilkes County the uncollected taxes of one thousand nine hundred and twenty-three that are on the tax books shall be turned over by the sheriff to the board of county commissioners and settlement made according to the provisions of this act. That the register of Wilkes County is hereby allowed the sum of one hundred dollars (\$100) per annum payable out of the general county funds, for extra services in connection with this act, said register of deeds shall keep a record of all uncollected taxes turned over by the sheriff and shall charge same to the tax collector appointed by the board of commissioners and shall make a settlement with said tax collector of all receipts turned over, said settlement not to be final until approved by the board of county commissioners."

Amendment.

SEC. 4. That section eight of said chapter be and the same is hereby amended by striking out, in lines three, four and five, the following: "that the special provisions of this act shall not apply except on the adoption of the resolution provided for in section one of this act."

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 494

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF IREDELL COUNTY TO SELL AND CONVEY A PART OF THE COUNTY HOME FARM OF IREDELL COUNTY.

Whereas, it is desired by the board of county commissioners to sell a part of the county home farm of Iredell County: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Iredell County are hereby authorized to sell the following described real estate:

Commissioners authorized to sell real estate.

Beginning at a stake in center of the railroad on Mrs. Wade Cavin's line; thence S. six W. twenty-three poles to a stake, Brown's corner; thence S. eighty-six E. ten and one-half poles to a stake in center of railroad; thence with said railroad N. twenty-two W. twenty-four and three-fifths poles to the beginning. Containing one hundred and sixteen square rods more or less. Said above described real estate being a part of the county home farm of Iredell County; any part of same may be sold to any person who may desire to purchase at a price to be determined by the board of county commissioners, who will execute and deliver deed for same as herein authorized, which deed shall be signed by the chairman of the board of county commissioners, after same has been authorized by resolution of the board of commissioners of said county, and said deed shall be attested by the clerk to the board of county commissioners.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 495

AN ACT TO SEPARATE THE DUTIES OF TAX COLLECTORS FROM THE OFFICE OF TREASURER OF GASTON COUNTY AND FIX THE COMPENSATION FOR THE OFFICE OF TREASURER AND FIX THE LIMIT OF THE AMOUNT ALLOWED FOR THE COLLECTION OF TAXES IN THE CITY OF GASTONIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Compensation
treasurer.

SECTION 1. That the board of county commissioners of Gaston County be and it is hereby authorized and empowered in its discretion to fix the salary of the treasurer of Gaston County in such an amount as it shall deem to be adequate and which is not to exceed the sum of twenty-five hundred dollars (\$2,500) per year.

Tax
collector.

SEC. 2. That the board of county commissioners of Gaston County shall employ a tax collector for Gaston County, whose duty it shall be to collect taxes within the corporate limits of the city of Gastonia, and shall in their discretion fix the compensation of such tax collector, in such sum as in their discretion they may deem adequate, sufficient and just, not exceeding however, one per cent on the amount of all taxes collected.

Compensation.

Conflicting
laws repealed.

SEC. 3. That section three of chapter four hundred and sixty-four, Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby repealed, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Date of effect.

SEC. 4. That this act shall be in force from and after the first Monday in December, one thousand nine hundred and twenty-six.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 496

AN ACT TO AUTHORIZE AN ELECTION IN MOREHEAD TOWNSHIP, CARTERET COUNTY, FOR IMPROVEMENT BONDS.

The General Assembly of North Carolina do enact:

Question of
bonds.

SECTION 1. That the board of county commissioners of Carteret County be and they are hereby directed, authorized

and empowered to submit to the vote of the qualified voters of Morehead Township, Carteret County, when petitioned by one hundred freeholders of the said township, the question as to whether Carteret County shall, on behalf of the said Morehead Township issue bonds in a sum not exceeding fifty thousand dollars, with interest coupons attached, for the purpose of building a road or bridge, or part road and part bridge, or both, connecting the townships of Morehead and Harlowe at a point now locally known as "Crab Point," Morehead Township, the exactness of which connecting point shall be determined by a commission to be hereinafter provided for and which commission shall be known as Morehead Township road and bridge commission.

SEC. 2. That any election held under the provisions of this act shall be held and conducted in the same manner as is now provided by law for holding elections for members of the General Assembly: *Provided, however,* that the said board of commissioners shall appoint the registrar and judges of election for each regular voting precinct in said township; and *provided further,* that said election shall be called by the said board of commissioners of Carteret County within sixty days after the filing with the said board the requisite number of petitioners as herein provided. The vote shall be counted at the close of the polls and return thereof shall be made by the election officers to the board of county commissioners on the next Monday following the election, and the said board of county commissioners shall tabulate and declare the result of the election, all of which shall be recorded in the minutes of the board of county commissioners and no other recording or declaration of the result of said election shall be necessary.

Rules of election.

SEC. 3. That at the said election the ballots cast by the qualified voters shall have printed or written on them "For connecting road or bridge," or "Against connecting road or bridge," and all qualified electors who favor the issuance of said bonds shall vote a ballot printed or written "For connecting road or bridge," and all qualified electors opposed to the issuance of the said bonds shall vote a ballot printed or written "Against connecting road or bridge."

Ballots.

SEC. 4. If a majority of the votes cast at said election shall be "For connecting road or bridge," the board of county commissioners of Carteret County shall elect three residents of Morehead Township to be known as Morehead Township road and bridge commission, one of whose members shall be elected for one year, one for two years, and one for three years. The

For connecting road and bridge.

Morehead township road and bridge commission.

Vacancies.

Election
chairman, etc.

board of county commissioners shall have authority to fill all vacancies caused by death, resignation or otherwise, for any unexpired term. As soon as practicable after the appointment of said commission, the members shall meet and organize and shall elect a chairman and secretary. Upon the expiration of the terms of office of the said members, the board of county commissioners shall elect their successors for a term of three years. The board of county commissioners shall elect a treasurer, who shall keep the funds herein provided for separate and apart from all other funds and shall keep separate account of the same. Said treasurer shall annually, and before any funds provided for in this act shall be paid over to him, execute an official bond in such amount as the said board of county commissioners shall designate, payable to the county of Carteret, and which bond shall be conditioned for his faithful safekeeping of said funds which may at any time come into his hands by reason of this act and virtue of his office, and rendering a true account in respect thereto, and in all things holding and dispensing the same as is or may be required by law, and which bond shall be passed upon and accepted by the said board of county commissioners. And all orders for payment of money out of said funds shall state on their face for what they are payable and chargeable and shall be signed by the chairman and secretary of the said Morehead Township road and bridge commission. The premium paid by the treasurer on said bond shall be repaid from the fund hereby created.

Bond.

Bond issue.

SEC. 5. In the event that the requisite majority of the votes cast shall be "For connecting road or bridge," the board of county commissioners of Carteret County, from time to time thereafter as they may deem best, shall issue and sell bonds in the sum not exceeding the total amount provided for in the first section of this act: *Provided, however,* that the initial issue and sale, for construction purposes, shall be made within six months from date of said election. Said bonds shall not be sold for less than par nor at a greater rate of interest than six per cent, and shall have interest coupons attached, payable semi-annually during the time said bonds shall run, and shall be payable at the place to be designated by the said board of county commissioners. Said bonds shall mature in annual installments or series, the first of each series of which shall be payable not more than five years after the date of said bonds, and the last of each series not more than thirty years after such date. Said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and shall have impressed upon them the seal of

Maturity.

said county. The said bonds shall be styled "Morehead Township road and bridge bonds."

SEC. 6. The said board of county commissioners of Carteret County shall levy annually after the sale of said bonds a special tax upon all taxable property in Morehead Township for the special purpose of paying the principal and interest of all bonds issued under this act as such principal and interest may become due, and which tax shall be in an amount sufficient for said purpose, and shall be in addition to all other taxes levied or authorized to be levied by said board.

Special tax.

SEC. 7. That the said Morehead Township road and bridge commission shall have the same powers and duties as are generally vested in commissions of this character, and shall be and are hereby especially authorized and empowered to designate and conclusively determine the place of beginning and place of ending of said road and bridge project and the kind and character of material to be used.

Powers, duties,
etc., of
commission.

SEC. 8. That all expenses incurred by said commission in the performance of its duties imposed by this act, or which may hereunder be implied, including the attendance upon the meetings thereof, shall be paid upon their order out of the funds provided for by this act.

Expenses.

SEC. 9. That the chairman and members of said Morehead Township road and bridge commission shall receive such salary per diem and mileage as shall be fixed by the board of commissioners of Carteret County; and that the treasurer shall be paid a commission of not less than three nor more than five per cent, upon all receipts and disbursements, to be determined by the said board of county commissioners.

Compensation
chairman.

SEC. 10. That the board of county commissioners of Carteret County shall have power and authority to issue the bonds herein provided for notwithstanding any limitation existing against said county at the time of the passage of this act, and that said bonds shall be sold in accordance with the provisions of the Municipal Finance Act of one thousand nine hundred and twenty-one relating to the sale of bonds by cities and towns.

Sale of bonds.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 497

AN ACT TO REPEAL CHAPTER 102 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1920, RELATING TO THE BOARD OF HEALTH OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter one hundred and ninety-two, Public-Local Laws, extra session, one thousand nine hundred and twenty, entitled an act to fix the personnel of the board of health of the county of Rockingham, is hereby repealed.

Board of health
created.

SEC. 2. That the board of health of Rockingham County as now constituted shall serve until the first Monday in April, one thousand nine hundred and twenty-five, at which time this act shall go into effect, and the board of health of Rockingham County, shall, on said first Monday in April, one thousand nine hundred and twenty-five, be created and organized as provided in section seven thousand sixty-four of the Consolidated Statutes of North Carolina.

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.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 498

AN ACT TO FIX THE LICENSE TAX TO BE PAID BY THE RESIDENTS FOR FISHING IN THE WATERS OF BERTIE COUNTY; AND TO PROHIBIT THE FISHING BY NON-RESIDENTS OF THE STATE FOR MARKETABLE PURPOSES IN CASHIE RIVER.

The General Assembly of North Carolina do enact:

License tax.

SECTION 1. That all nonresidents of Bertie County shall pay an annual tax of fifteen dollars before being allowed to catch or take fish either by rod, hook or in any manner whatsoever in said county, such tax to be paid to Bertie County, and collected by the sheriff or other proper officer thereof: *Provided*, all nonresidents owning lands in fee simple in said county and bona fide residents of counties which adjoin the rivers and waters of Bertie County shall not be required to pay the license tax herein for fishing in the streams of water in said county:

Provided, this act does not in any way apply to nets or other apparatus used in taking fish for commercial purposes.

SEC. 2. That all persons having licenses must carry same while fishing, and show them when called upon to do so by sheriff, constable, or other lawful officer of said county, and failure to do so shall be prima facie evidence that such person or persons are fishing without such license.

Prima facie evidence.

SEC. 3. Any person violating any of the foregoing provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars (\$50) or imprisoned not less than thirty days, or both, in the discretion of the court.

Violation misdemeanor; penalty.

SEC. 4. If any person who is a nonresident of the State shall catch fish for marketable purposes in the waters of the Cashie River he shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned at the discretion of the court.

Nonresident. of the state.

SEC. 5. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That the provisions of this act shall not be affected by any public laws enacted by General Assembly of one thousand nine hundred and twenty-five.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 499

AN ACT TO AMEND CHAPTER 176 OF PUBLIC-LOCAL LAWS OF 1911 AND CHAPTER 624 OF PUBLIC-LOCAL LAWS OF 1915, AND TO REPEAL CHAPTER 94 OF PUBLIC-LOCAL LAWS OF 1913, ALL RELATING TO THE RECORDER'S COURT OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-six of the Public-Local Laws of nineteen hundred and eleven, entitled "An act to amend chapter six hundred and thirty-three of the Public Laws of nineteen hundred and nine, creating a recorder's court in Nash County," be and the same is hereby amended as follows:

Amendment.

Subsection (1). By striking out section five of said act.

Subsec. (2). By striking out section eleven of said act and inserting in lieu thereof the following:

Sec. 11. The said court is hereby vested with and shall exercise civil jurisdiction as follows:

Civil jurisdiction.

(a) Concurrent, original and final jurisdiction with courts of justice of the peace of all civil actions and proceedings ancillary thereto, which are now or may hereafter be, within the jurisdiction of said justice's court.

(b) Concurrent, original and final jurisdiction with the Superior Courts of all civil actions founded on contract, wherein the sum demanded shall exceed two hundred dollars and shall not exceed five thousand and wherein the title to real estate shall not be in controversy, and of all proceedings ancillary thereto.

(c) Concurrent, original and final jurisdiction with the Superior Courts of all civil actions growing out of tort, including actions for the recovery of specific personal property, wherein the sum demanded or the value of the property in controversy shall exceed fifty dollars and shall not exceed five thousand dollars and all proceedings ancillary thereto.

(d) Concurrent, original and final jurisdiction with such other courts as may be clothed with jurisdiction to hear and determine the same of all civil actions for the recovery of forfeited bonds, undertakings and recognizances returnable to or entered into before said court, with power to dispose of all moneys thus recovered in the manner prescribed by law.

Subsec. (3). By striking out section thirteen of said act and inserting in lieu thereof the following:

Sec. 13. That all civil actions instituted in said recorder's court shall be commenced by summons to be issued by the clerk or deputy clerk of the Superior Court. In all such actions the practice and procedure in said recorder's court in matters relating to the issuance of summons, the service and return of summons, the filing of pleadings, the trial of the cause, challenges and qualifications of jurors, number of jurors, entry of judgment, issuing of execution and return of same, and other like proceedings, shall, except as herein otherwise provided, conform as nearly as may be to the practice and procedure of Superior Courts.

Subsec. (4). By striking out in section twenty-one of said act, lines five, six, seven, eight and all of line nine to the word "that," and inserting in lieu thereof the following:

By making such demand in his complaint, answer or other pleading and depositing (\$5) five dollars to insure the payment of the jury tax, otherwise a jury tax, otherwise a jury trial shall be deemed waived. If a jury trial is demanded the clerk shall draw a jury of eighteen men from the county jury box in the presence of the register of deeds, observing as nearly as possible as may be the rules for drawing a jury for the Superior

Issuance of
summons by
clerk of court.

Court. The clerk shall issue a proper writ to the sheriff of the county commanding him to summons the jurors to appear at court on the day set for trial of the action. The jury so summoned shall try said action and any other jury cases which may be set for trial at said term.

Subsec. (5). By striking out section twenty-two of said act and inserting in lieu thereof the following:

Sec. 22. That said recorder's court shall have jurisdiction to try any civil action which may be pending in the Superior Court of Nash County, if said action is otherwise within the jurisdiction of said recorder's court as defined by this act whenever the cause shall be transferred from the Superior Court to said recorder's court for trial by consent of the parties or their attorneys, or upon motion, by the judge of the Superior Court in term time, in his discretion: *Provided, however,* that no cause pending in the Superior Court on appeal from said recorder's court for from the recorder's court of Rocky Mount, shall be so transferred. In all such cases transferred from the Superior Court of Nash County the failure to demand a jury trial in the pleadings shall not be deemed a waiver of a jury trial as hereinbefore provided, but either party may have a jury trial by making demand in writing, signed by the party or his attorney, accompanied by a deposit of five dollars (\$5) to insure the payment of the jury tax, within ten days after the said cause shall have been transferred as aforesaid.

Jurisdiction over
civil cases.

Subsec. (6). By striking out section twenty-five of said act and inserting in lieu thereof the following:

Sec. 25. That there shall be taxed as costs in all cases in said recorder's court a county tax of three dollars (\$3) to defray the expenses of said court, and that there shall be taxed as costs in all cases in said recorder's court in which a jury trial is demanded, as herein provided for a jury tax of five dollars (\$5) additional, unless demand for jury trial has been withdrawn at least ten days before the term of the court at which the case is set for trial, which amounts shall be collected under the same rules as the jury taxes or costs are collected in the Superior Court and that the said costs thus taxed shall be paid to the county as said jury costs are now taxed and paid in the Superior Court.

County tax.

Sec. 2. That chapter ninety-four of the Public-Local Laws of nineteen hundred and thirteen be and the same is hereby repealed.

Chapter
repealed.

Sec. 3. That chapter six hundred and twenty-four of the Public-Local Laws of nineteen hundred and fifteen be amended

Amendment.	as follows: By striking out section one and section four of said act, which said sections are hereby repealed.
Additional section.	SEC. 4. That a new section be added to chapter one hundred and seventy-six of the Public-Local Laws of nineteen hundred and eleven to be known as "Section twenty-five (a), which shall read as follows:
Assistants.	SEC. 25a. That the county commissioners of Nash County may, if in their discretion they should deem it necessary, provide at the expense of the county for necessary assistants to the clerk, or sheriff, or both, to enable them to properly discharge their duties in connection with the business of said court.
Conflicting laws repealed.	SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.
Date of effect.	SEC. 6. That this act shall be in force from and after the first day of April, nineteen hundred and twenty-five, but shall not affect the procedure in actions instituted in said recorder's court of Nash County prior to said date.
	Ratified this the 9th day of March, A.D. 1925.

CHAPTER 500

AN ACT TO AMEND CHAPTER 37 OF THE PUBLIC-LOCAL LAWS, SPECIAL SESSION OF 1924.

The General Assembly of North Carolina do enact:

Amendment.	SECTION 1. That chapter thirty-seven of the Public-Local Laws of the special session of one thousand nine hundred and twenty-four be and the same is hereby amended by adding after section seven the following: "Provided, that no bonds shall be issued under this act in excess of two hundred thousand dollars without first submitting the question of the issue of such excess to a vote of the voters of Cherokee County, and this amount of two hundred thousand dollars of bonds or so much thereof as may be asked by the Cherokee County road commission, the board of county commissioners of said county are hereby authorized, empowered and directed to issue and sell as herein provided."
Amendment.	SEC. 2. That said chapter thirty-seven be further amended by adding a section after section eighteen, to be known as "Section eighteen and one-half," as follows:
Acts confirmed.	"Sec. 18½. That all acts and resolutions of the Cherokee County road commission with reference to allocating funds to the townships and all other acts and resolutions be and they are hereby ratified, approved and confirmed, particularly that resolu-

tion allocating twenty-five thousand dollars (\$25,000) to Valley-town Township."

SEC. 3. That section six of said chapter thirty-seven be and the same is hereby amended by adding to said section the following: *Provided*, that the machinery, tools, money and other property of the various highway commissions of Cherokee County, as formerly constituted, shall be used for the benefit of the territory owning same, and if used elsewhere by the Cherokee County road commission just compensation shall be paid therefor.

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 501

AN ACT TO CREATE WATER AND WATERSHED DISTRICTS IN BUNCOMBE COUNTY AND DESCRIBING THEIR PURPOSES AND POWERS.

The General Assembly of North Carolina do enact:

SECTION 1. That water and watershed districts may be created in Buncombe County by the county commissioners upon a petition of the voters in such district. Such petition shall be signed by a majority of the qualified voters of such proposed water and watershed district, and shall set forth a description of the territory to be embraced in said proposed water and watershed districts: shall state the name to be given to said districts, and a brief description of the purpose or purposes for which same is to be created.

Creation watershed districts.

SEC. 2. Whenever a petition as described in section one of this act shall have been presented to the board of commissioners of Buncombe County, it shall be the duty of said board, within sixty days after the filing of said petition, to examine the same, and, in the event the same is found sufficient by said board, it shall forthwith be the duty of said board to enter an order upon their minutes creating and establishing said district under the name specified in the said petition. The determination of said board of county commissioners as to the sufficiency of said petition shall be conclusive. The said board of county commissioners shall also appoint three trustees for said district,

Examination of petitions.

who shall hold office for a period of two years or until their successors are appointed and qualified and at the expiration of their terms of office their successors shall be appointed in like manner by said board of county commissioners: *Provided, however,* in case of vacancy in said board of trustees, due to death, resignation, or otherwise, such vacancy shall be filled by the remaining members of the board of trustees. The trustees so appointed by said county commissioners shall be clothed with the powers and duties hereinafter mentioned.

Municipal corporation.

SEC. 3. Every water and watershed district created under this act shall be and become a municipal corporation, for the purposes mentioned in this act, and may adopt a corporate seal and may sue and be sued, and may purchase, hold and convey real and personal property; and shall in addition to the powers hereinafter conferred be clothed with all powers relating to the establishment and control of water and watershed systems as are now conferred on municipal corporations under the laws of North Carolina.

Trustees to make rules.

SEC. 4. The said board of trustees of said water and watershed districts shall have full power and authority to pass such rules, regulations and ordinances relating to the water and watershed measures of said district as they may deem proper. They shall also have power, from time to time, to lay, build and construct such system of water and watersheds and water pipes and the extension of the same, together with all necessary adjuncts thereto, as to them may seem advisable for the proper water and watershed regulations and drainage of said district, and they shall have power to purchase lands, rights-of-way or to lay pipes, and do such other things as may be necessary for the successful operation of said water and watershed system, and they shall have authority to purchase lands, water rights or rights-of-way for the laying of pipe lines, either within or without the limits of said water and watershed districts; and should there be a disagreement between the owner or owners of such lands, rights-of-way and the board of trustees as to the price to be paid therefor, or for damages incurred, it shall be lawful for the said board of trustees to apply to the clerk of the Superior Court of Buncombe County, who shall thereupon appoint three disinterested persons to examine said property and assess the value thereof, or the damages done to same, who after taking oath before said clerk to administer the same impartially, shall proceed to assess the same and make return of their actions and doings to the clerk of the Superior Court, who shall enter the same upon the minutes of the court and enter judgment according to said report: *Provided, however,* that in case either

In case of disagreement.

Proviso.

party is dissatisfied with said award he or they may appeal to the Superior Court of said county at term time, and have said case tried as is provided upon cases of appeal from the clerk of the court in other cases: *Provided, however*, that either party desiring to appeal from the judgment of the clerk shall give the opposite party at least ten days notice thereof from the rendition of said judgment: *Provided, however*, that no such appeal shall have the effect of staying the operations or improvements proposed to be made by said trustees, and the said trustees may enter upon such lands as they deem necessary, and proceed to make such improvements, while said appeal is pending: *Provided, however*, the said trustees shall have paid in to the clerk of the Superior Court an amount of money awarded in such case by said appraisers.

SEC. 5. The said trustees shall have the right to do everything which they deem necessary in order to properly perform their duties and prosecute the work authorized by this act, and may employ such assistance and attorneys as they may deem necessary, to properly carry out the provisions of this act, and shall have power to let contracts and make such additions, enlargements and repairs to said system of water and watershed as they may deem necessary.

Employment
of assistants.

SEC. 6. The said board of trustees appointed by the board of county commissioners shall elect one of their members as chairman and one as secretary and treasurer, and they shall fix the date of their regular meetings, and may from time to time, upon call of the chairman, hold special meetings, and a majority of said trustees shall constitute a quorum.

Election of
chairman.

SEC. 7. In order to obtain money to pay the expenses of the improvements herein mentioned, the said trustees are hereby authorized and empowered to issue negotiable coupon bonds of said water and watershed district in a sum sufficient to make said improvements. The said bonds when issued shall be and constitute the full and direct obligations of said water and watershed districts. The said bonds shall be in such denominations and payable at such place or places, and shall mature at such time or times not to exceed thirty years after their dates as the said trustees shall determine. The said bonds shall be signed by the chairman of said trustees and attested by the secretary, and have the corporate seal of said water and watershed districts affixed to said bonds, and the said bonds may be sold by said trustees at either public or private sale, as they may deem best. Said bonds shall draw interest at not exceeding six per cent per annum, said interest to be payable semiannually. The interest coupons attached to said bonds shall bear the facsimile

Bond issue
authorized.

Maturity.

Rate of
interest.

printed, lithographed or engraved signature of the chairman of said trustees. The proceeds derived from the sale of said bonds shall be used only for the purpose for which they are issued: *Provided, however,* that it shall not be the duty of the purchaser of said bonds to see to the application of the proceeds of said bonds: *Provided, however,* that no bonds shall be issued by any water and watershed districts created under this act in an amount exceeding ten per cent of the assessed valuation of the property in such water and watershed districts as last ascertained preceding the date of the issue of said bonds.

Special tax.

SEC. 8. In the event bonds are issued as provided in section seven of this act it shall be the duty of the board of commissioners of Buncombe County to levy annually, at the time other taxes are levied and collected, a special tax upon all the taxable property within said water and watershed district of sufficient rate and amount to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay the principal thereof at maturity. The proceeds from such taxes shall be kept separate and apart from the other funds of Buncombe County, and shall be used only for the purposes mentioned in this section.

Proceeds.

SEC. 9. That when bonds are issued by the said trustees, as herein before provided, it shall be the duty of said trustees to certify to the board of commissioners of Buncombe County, on or before the first day of May in each year, the amount of bonds outstanding by said district, and the amount of tax necessary to provide for the principal and interest of all bonds outstanding, and is hereby made mandatory duty of said board of commissioners to levy and collect said taxes.

In lieu of
issuing bonds.

SEC. 10. In lieu of building and constructing the water and watershed districts herein before mentioned at the expense of said water and watershed districts, and in lieu of issuing said bonds constituting the direct obligations of said district as hereinbefore mentioned, the said trustees in any water and watershed district created under this act may have authority to build and construct such water and watershed system and assess the expense and cost of laying and constructing the same against the property owners on each side of such water and watershed systems, as well as against the property within the radius of benefit arising from such improvements, though not actually abutting thereon; the property liable to assessment hereunder, and apportionment of the expense of such improvement against same, shall be determined by a jury of three freeholders of said district, unconnected by consanguinity or affinity with any other persons supposed to be affected by the improvements of such property, and summons to pass upon the question above

mentioned by any officer of Buncombe County authorized to serve process, to him directed by the chairman of said trustees, commanding that such be done, and sufficiently describing the duties to be performed by such jury. Each juror shall be sworn by the chairman, or other person competent to administer oaths, to faithfully and impartially execute the duties of this office before entering upon the performance thereof. Each member of said jury, summoned as aforesaid, shall meet with the chairman of said board at a date and hour named in said writ, not more than five days after the date of same, for the purpose of being sworn in as hereinabove required. Upon the assembling of said jury, any person summoned as aforesaid may, upon satisfactory excuse offered to said chairman, be by him excused from further service, and it shall be the duty of the chairman to require another person to be summoned having the same qualifications hereinabove described, to serve upon said jury in the place and stead of the juror so excused. Immediately after being sworn, as aforesaid, the jury as finally constituted shall proceed without unnecessary delay to view the lands, streets, or section in which said improvement has been made or is proposed to be made as hereinbefore described, and all property beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of such special benefit thereto arising from such improvement, giving also the name or names of the supposed owner or owners thereof. After making up their reports, as herein required, the jury shall forthwith file the same with the chairman of said trustees, who shall submit the same to the said trustees at their next regular meeting after the date on which the same is filed as aforesaid. The said board of trustees shall, at said meeting or at any regular meeting thereafter, not exceeding thirty days from the date of the submission of the same, require the secretary to publish a notice of not less than twenty days in some newspaper published in the city of Asheville having a general circulation therein, to the effect that said jury has made its report and pro rated and assessed the cost and expense of said improvement (which shall be described generally) against the property specially benefited, thereby naming, where possible, the owners thereof, or the party in whose name the said property may be listed for taxation, the name of the party occupying the same, if any, and admonishing all persons interested

Jurors sworn in.

Meeting.

Notice
published.

Trustees to consider report of jury.

therein, particularly those named in said notice, that said report has been filed with the said trustees, and that they and each of them are required to be and appear at a regular meeting of said trustees to be specified in said notice, and to be held not less than ten days after the expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by the said trustees; and at such meeting the said trustees shall take up and consider the report of said jury, and hear any competent evidence of any person interested in the property affected thereby, touching any matters covered by said report: and to that end said board of trustees are hereby constituted a court, with power to send for persons and papers and to provide for the examination of witnesses, and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence as aforesaid, and duly considering said report or, in case no objection is made, after duly considering said report, said trustees may approve, correct, amend, modify or reject the same or any item therein, as to them may seem just and proper, and the said report of said corrected, amended or modified report, as the case may be, shall be entered in full in a book to be provided for that purpose by the said board of trustees, and to be entitled "Record of Water and Watershed Liens," which book shall be properly and accurately indexed, as near as may be in the name of the owner of the property affected by said improvement.

"Record of watershed liens."

Appeal.

SEC. 11. Any person aggrieved by said report and findings of said board may appeal from the final determination of said trustees, with respect to said report, or any item therein, within ten days after the date of final consideration, as aforesaid, to the next term of the Superior Court of Buncombe County beginning more than ten days after the date of such appeal. Notice of such appeal shall be served upon the chairman of the said trustees, and shall specify the particulars in which he considers himself aggrieved by such determination, as aforesaid.

Court has no power to adjudicate necessity of the improvement.

SEC. 12. In the event of an appeal as provided in the preceding section, the appellate court shall have power to increase, affirm or diminish the amount of the item appealed from, but such court shall have no power to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder, obstruct or delay said improvement.

Benefit to become lien.

SEC. 13. The amount of any such benefit or enhanced value so assessed against any premises by the said trustees, or on appeal adjudged against the same, shall, upon such final determination of said trustees with respect thereto in case no appeal is taken therefrom, or upon final judgment of the court in case of any

such appeal, shall be and become a lien in favor of said water or watershed district on said property on which it has been so assessed or adjudged, as of the time of such final determination of the said trustees, and shall be paid to them in five equal annual installments, due in one, two, three, four and five years, respectively, together with interest on each installment at the rate of six per centum per annum from said date, said interest being payable semiannually: *Provided*, if any installments shall remain unpaid for thirty days after its maturity, all installments then unpaid, together with interest thereon, shall become instantly due and payable, and the property and premises so assessed or charged shall be sold for the payment of the same by the secretary of said trustees, in the same manner as provided for the sale of real estate or delinquent taxes and under the same rules and regulations, restrictions, rights of redemption, and other provisions, as is provided for the sale of real estate for delinquent taxes.

SEC. 14. No lien created by this act shall be valid until the same has been recorded by the said water and watershed district in the office of the clerk of the Superior Court of Buncombe County in the record of liens, and it shall be the duty of said secretary of the trustees, to furnish to the clerk of the Superior Court a certified copy of the final report, or final determination, fixing the amount of said liens, and the property against which same is assessed and the clerk of the Superior Court shall cause the same to be recorded in the record of liens and properly indexed in the name of the person or persons so charged.

No lien valid
until recorded.

SEC. 15. In the event the said trustees of any water and watershed district created under this act shall determine to make the said improvement authorized by this act, and charge the cost of the same against the property owners as hereinbefore mentioned, they shall in such case have the right to borrow money on short-time notes or issue bonds in anticipation of the collection of said assessments. Such bonds or notes shall be signed and executed in the same manner as hereinbefore prescribed for the issuing of bonds, where the costs of said improvements are made at the expense of said water and watershed district, in the event bonds or notes are issued in anticipation of the collection of said assessments, such bonds or notes shall be known as water or watershed assessment bonds or water or watershed assessment notes, and the assessments and liens hereinbefore created are hereby specifically appropriated for the punctual payment of such bonds or notes, and the holders of such bonds or notes shall have full power and authority, in case of default in the payment of principal or interest of said

Right to
borrow money.

Bond issue
authorized.

bonds or notes, to cause the said property to be sold in the manner hereinbefore mentioned for the payment of said liens, and the purchasers or holders of said notes are hereby subrogated to all the rights and interest in such liens, in the manner in which the same are vested in the said trustees of said water and watershed district: *Provided, however,* that such bonds or notes issued by said trustees shall be secured only by the liens hereinbefore mentioned, and in no case shall an ad valorem tax be levied for the payment of the same.

Proviso.

Authority to make improvements.

SEC. 16. The said trustees are hereby authorized and empowered to make the improvements mentioned in this act, either at the expense of the entire water and watershed district and issue the district obligations of said district for the payment of the same, and the levying of an ad valorem tax to pay the same, or they may, in their discretion, make the said improvements and charge the cost and expenses thereof against the property owners, as hereinbefore mentioned, and may issue bonds or notes in anticipation of the collection of said assessments, in the manner hereinbefore mentioned.

Trustees have right to take over watershed system.

SEC. 17. The trustees of any water and watershed district created under the provisions of this act shall have the right to take over any water or watershed system or systems now constructed or in the process of being constructed, and the same when being taken over shall be under the control and supervision of said trustees as provided in this act.

Watershed districts to be laid off.

SEC. 18. Any water and watershed district created by this act shall be laid off in the manner hereinbefore mentioned, regardless of the boundary lines of townships, school districts, or other political subdivisions in said county.

Application of act.

SEC. 19. This act shall apply only to Buncombe County.

Definition of "freeholder."

SEC. 20. The word "freeholder" as used in this act shall mean and shall at all times be construed to mean any person, firm, or corporation owning real estate within the boundaries of such proposed water and watershed district.

Duty declared mandatory.

SEC. 21. Any duty imposed upon the board of county commissioners of Buncombe County by this act shall be considered as being mandatory.

Act not affected.

SEC. 22. The provisions of this act shall not be affected by any condition, limitation or restriction of any other act of the General Assembly, either general, special, or local, except an act expressly referring to this act.

Conflicting laws repealed.

SEC. 23. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 24. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 502

AN ACT TO AUTHORIZE SOUTH SANFORD SCHOOL DISTRICT, LEE COUNTY, TO ISSUE BONDS TO BUILD AND EQUIP SCHOOLHOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees, committeemen or other governing body of the South Sanford school district, in the county of Lee, are hereby authorized to issue bonds of said school district for the purpose of erecting, enlarging, altering and equipping school buildings and acquiring land for buildings of the said school district, or for any one or more of said purposes, and the board of county commissioners of Lee County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district for the purpose of paying the principal and interest of all bonds issued under this act as such principal and interest become due, which special tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized to be levied in said school district. No bonds shall be issued under this act, however, nor said special tax levied unless and until the question of such issue and levy shall have been submitted to the qualified voters of said South Sanford school district at a special election to be held for the purpose and a majority of said qualified electors shall have voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina.

Bond issue
authorized.

SEC. 2. The said bonds shall be issued in the corporate name of the said South Sanford school district. They shall be issued in such form and denomination, and with such provisions as to time, place and medium of payment of principal and interest as the board of trustees or committeemen of said district may determine, subject to the limitations and restrictions of this act. They may be issued as one issue or divided into two or more separate issues, and in either case, may be issued all at one time or in blocks from time to time. The bonds shall run for a period not exceeding forty years, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-

Form; payment;
rate of interest.

- annually. They may be either coupon bonds or registered bonds, and if issued in coupon form may be registerable as to principal or as to both principal and interest. They shall be signed by the chairman of said board of trustees or committee, and the seal of the school district shall be affixed to or impressed on each bond and attested by the secretary or clerk of said board of trustees or school committee, and the coupons of such bonds shall bear the printed, lithographed or etched facsimile signature of such chairman in office at the date of the bonds. The
- Delivery. the delivery of bonds as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any change in office occurring after such signing.
- Bond sale. SEC. 3. The said bonds shall be sold by the said board of trustees or committeemen in the manner provided in the Municipal Finance Act for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.
- Proceeds. SEC. 4. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes for which they were issued.
- Collection of taxes. SEC. 5. The taxes provided for in this section shall be collected by the sheriff of Lee County and paid over by him to the treasurer of the said school district, to be applied solely to the payment of the principal and interest of said bonds. The board of trustees or committeemen may require the said treasurer to give a bond or undertaking for the faithful performance of his duties under this act in such amount and with such sureties as the board or committeemen shall deem sufficient, and may pay the premium on such bond out of the proceeds of the sale of the bonds hereby authorized.
- Special election. SEC. 6. Whenever the board of trustees or committeemen of the South Sanford school district shall so request, the board of commissioners of Lee County shall order a special election to be held in said school district at such time as the said board of trustees or committeemen shall designate, for the purpose of voting upon the question of issuing bonds and levying tax under this act. Said election shall be held under the supervision of the board of county commissioners, and in all particulars other than those specifically provided for in this act, shall be held and conducted, and the qualification of voters at the election determined as nearly as may be practicable, in accordance with the general laws governing elections for members of the General Assembly. For said election there shall be
- Notice of election. a new registration of the qualified voters of said school district. No other or further notice of such new registration shall be required than a publication at least thirty days before the

closing of the registration books in a newspaper published in Lee County and circulating within said district, such publication to state the days on which the books of registration will be open and the place or places on which they will be open on Saturdays. No other or further notice of said election shall be required than a publication not more than forty days and not less than twenty days before said election in a newspaper published in Lee County and circulating within the said district, such publication to state the question or questions to be voted on as herein provided for, as well as the day of election and the place or places at which the polls will be open. The question to be voted on shall be stated in said notice substantially as follows: "The question of issuing not exceeding \$..... of school bonds of the South Sanford school district and levying a sufficient annual tax to pay the same." The amount stated in said question shall be such amount as the board of trustees or school committeemen may determine and state in their petition to the said board of county commissioners. The board of county commissioners shall appoint the registrars and judges of election for said election and designate the voting places at said election, and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election, the voters who are in favor of the issuance of said bonds and the levying of said special annual tax shall vote a ballot on which shall be written or printed the words "For schoolhouse bonds"; and the voters who are opposed to the issuance of said bonds and the levying of said tax shall vote a ballot on which shall be written or printed the words "Against schoolhouse bonds." At the close of the polls the election officers shall count the votes and make the returns thereof to the board of county commissioners, which board shall as soon as practicable after the election, and not later than its next regular meeting, judicially pass upon the returns and judicially determine and declare the result of said election, which determination shall be spread upon the minutes of the said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of county commissioners as aforesaid, and the other filed with the clerk of the Superior Court of Lee County.

Ballots, etc.

SEC. 7. Nothing in this act shall be construed as preventing more than one election under this act, but not more than one election shall be called in any one calendar year.

Construction of act.

SEC. 8. The total amount of bonds issued by the South Sanford school district under this act, including all other bonds issued for school purposes by the district, shall not exceed seven

Total amount of bonds.

per cent of the assessed valuation of taxable property in said school district.

Proceeds.

SEC. 9. The funds derived from the sale of said bonds shall be paid out upon the order of the board of trustees or committeemen of the South Sanford school district, and the expense of holding said election shall be paid out of the school funds belonging to the said district.

SEC. 10. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 503

AN ACT ESTABLISHING A GAME COMMISSION FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Game
commission
established.

SECTION 1. That for the purpose of carrying out the provisions of this act a game commission is hereby established in Haywood County, which commission shall be composed of three members, and D. Clark is hereby named one of said commissioners, who shall hold office for a period of two years, and G. C. Plott is hereby named one of said commissioners, who shall hold his office for a period of four years, and Dr. T. A. Hargrove is hereby named as one of said commissioners, who shall hold his office for a period of six years, and each of said commissioners shall hold their respective offices until their successors shall have been duly named and qualified.

Vacancies.

SEC. 2. That on the expiration of the terms of office of said commissioners, said vacancies shall be filled by the two remaining commissioners, and for the period of six years.

Duty of game
commission.

SEC. 3. That it shall be the duty of said game commission, on the first day of April, one thousand nine hundred and twenty-five, and annually thereafter, to meet and organize by electing a chairman of said commission, and a treasurer, and to appoint a chief game warden for Haywood County whose duty it shall be to diligently enforce the game laws of Haywood County as herein set forth, and all other game laws applicable to said county, either general or special; and it shall further be the duty of the chief game warden to appoint as many deputy game wardens throughout the country as he may deem necessary, and it shall also be the duty of said chief game warden, and his deputies, to cooperate with the State Fish Commission in all matters pertaining to the propagation of fish and the protection of the

streams of said county when requested by the State Fish Commission.

SEC. 4. Every game warden or deputy game warden so appointed shall, before entering upon the duties of his office, take and subscribe before the clerk of the Superior Court of Haywood County, an oath to perform the duties of his office, together with those subscribed for police officers, and to execute bond in such sum as the game commission may prescribe, for the faithful performance of his duties. Said oath and bond shall be recorded by the clerk of Haywood County, and who shall not charge more than fifty cents for administering and recording said oath. It shall be the duty of all wardens and deputy wardens to arrest all violators of this act, and they are hereby given all the powers and authority as now vested in the sheriff and deputy sheriffs of Haywood County, in so far as the enforcement of this act is concerned.

Oath of office.

SEC. 5. That any person desiring to hunt in Haywood County, who is not a resident of said county but is a resident of the State, shall first obtain a license from the chief game warden of said county, or his duly named and appointed deputies, which license shall be on a regular printed form and shall be good for the hunting season in which issued. All such license shall be issued in duplicate and a copy thereof filed with the register of deeds, and the fee for such license shall be the sum of ten dollars. That any person desiring to hunt in Haywood County, who is not a resident of said county, and who is not a resident of said State of North Carolina, shall first obtain a license from the chief game warden, or his deputies, and which license shall be on a regular printed form, and shall be good for the hunting season in which issued, and shall be issued in duplicate and a copy filed with the register of deeds, and the fee for such license on nonresident hunters shall be the sum of twenty-five dollars: *Provided*, that the license tax herein prescribed to be paid by nonresidents of the county and nonresidents of the State shall not be paid by any party who is a bona fide member of some club or organization of Haywood County engaged in protecting game and propagating the same; and *provided further*, that said member pays dues to said club or organization in an amount equal to the license tax hereinbefore provided to be paid. All license fees collected and received by the chief game warden, or his deputies, under the terms of this section shall be immediately paid over to the treasurer of the game commission, to be used by the game commission as hereinafter provided: *Provided further*, that all persons who desire to hunt, off their own premises, shall pay a tax of one dollar and twenty-five cents, except minors under the age of fifteen years who shall hunt on their own or their parent's

License.

License fees.

or guardian's lands. All license for hunting issued to nonresidents, and residents shall be nontransferable and shall be carried on the person when hunting and shall be produced for inspection on demand of the chief game warden or his deputies: *Provided further*, that there shall be no closed season for rabbits, nor shall there be any license required of any residents of Haywood County to hunt either rabbits or opossums.

Proviso.

SEC. 6. That all moneys received by the game commission by reason of license fees, or otherwise, as herein provided, shall be held by the treasurer of said commission and paid out under the orders and direction of said game commission in paying the chief game warden and his deputies and other expenses of said commission. Any surplus in the hands of said commission shall be used and expended by said commission for the protection of wild game, for the enforcement of all game laws, and for such matters and things as may be necessary in the discretion of said commission.

Moneys.

SEC. 7. That it shall be unlawful for any person or persons to hunt or trap upon the lands of another without first obtaining the written permission of the owner of such lands, or his authorized representative.

Unlawful.

SEC. 8. That the open season for hunting in Haywood County shall be as follows:

Open season.

(a) For deer, from November first to December thirty-first, inclusive, and no person shall kill more than two deer, both of which shall be bucks, in any one season;

(b) For quail, partridge, pheasant, wild turkey, woodcock and doves, from November fifteenth to January fifteenth, both dates inclusive, and no person shall kill more than fifteen quail or partridges or doves in any one day, or more than one hundred in any one season; nor more than four pheasants or woodcock in any one season, nor more than two wild turkeys in any one season: *Provided*, that no wild turkey shall be killed or taken before November fifteenth, one thousand nine hundred and twenty-six;

(c) For squirrels, from September fifteenth to December thirty-first, inclusive, and no person shall kill more than five squirrels in any one day, or more than forty in any one season;

(d) For bear, from October first to January first, inclusive;

(e) For opossum or raccoon, from October first to January thirty-first, inclusive;

(f) For wildcats, no closed season.

SEC. 9. That it shall be unlawful for any person to set any bear trap, steel-trap, deadfall, snare, or any devise whatsoever for catching wild animals or birds: *Provided*, that rabbit gums or boxes shall not be so considered; and *provided further*, that any

Unlawful
set traps.

person may set a trap upon his own premises for the purpose of catching any wild animal making depredations upon his fowls or other domestic animals.

SEC. 10. That any person violating any of the preceding sections of this act shall be guilty of a misdemeanor and punished in the discretion of the court.

Violation
and penalty.

SEC. 11. That it shall be unlawful for any person to use, or to have in his possession while hunting, a Maxim silencer, or to use or have on his gun while hunting, or in his possession while hunting, any other device or method for killing or smothering the report of any fire arm used in hunting. That any person violating the terms of this section shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

Unlawful use
Maxim silencers.

SEC. 12. That it shall be unlawful for any person, firm or corporation to sell, offer for sale, or have in his possession for the purpose of sale, either directly or indirectly, any deer or part thereof, any bear or part thereof, any partridge or quail, pheasant, wild turkey, or dove, and it shall further be unlawful for any such person or persons, firm or corporation to ship, convey, transport, or cause to be shipped, transported or conveyed in any manner whatever, out of Haywood County any such game: *Provided*, that any person who is a bona fide member of any hunting corporation or organization of Haywood County who lives out of the county, and who shall have paid his dues for the season to such club or organization in an amount equaling the license tax hereinbefore provided for, shall have the right to ship, transport or carry for his own personal use out of the county and out of the State, such game as he may individually kill; any person violating the terms of this section shall be guilty of a misdemeanor and punished in the discretion of the court.

Unlawful.

SEC. 13. That this act shall apply to Haywood County only.

Application
of act.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 15. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 504

AN ACT TO AUTHORIZE AN ELECTION TO BE HELD IN PUBLIC SCHOOL DISTRICT No. 3, EMMONS TOWNSHIP, DAVIDSON COUNTY, SUBMITTING TO THE VOTERS OF SAID DISTRICT THE QUESTION OF INCREASING LEVY OF TAXES FOR SCHOOLS.

The General Assembly of North Carolina do enact:

Election authorized.

SECTION 1. That upon petition of twenty-five qualified voters residing in said district, approved by the county board of education of Davidson County, the board of county commissioners of said county shall call an election in said public school district number three, Emmons Township, Davidson County, and submit to the qualified voters of said district the question of increasing the tax for public schools in said district from twenty cents on the one hundred dollars valuation of property to an amount not exceeding thirty-five cents on the one hundred dollars valuation of property in said district.

Rules of election.

SEC. 2. That said election may be held at any time and before the expiration of six months from any former election on said subject and that the provisions of section two hundred and twenty-five, chapter one hundred and thirty-six, Public Laws of nineteen hundred and twenty-three, shall not be applicable to any election held under the provisions of this act.

Provisions of election.

SEC. 3. That said election shall be held in the manner and under the provisions of section two hundred twenty-one, chapter one hundred thirty-six, Public Laws, session nineteen hundred twenty-three.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 505

AN ACT TO CREATE A HIGHWAY COMMISSION FOR FRANKLIN COUNTY, AND TO PROVIDE FOR THE IMPROVEMENT AND MAINTENANCE OF THE PUBLIC ROADS OF FRANKLIN COUNTY.

Preamble.

That whereas, the public and improved roads of Franklin County are repaired and maintained by the several townships of said county at considerable disadvantage on account of duplication of road tools and machinery and expense; and whereas,

it is considered the part of wisdom and economy to place the repair and maintenance of public and improved roads of said county upon a county unit basis, instead of the township units heretofore existing: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established in and for the county of Franklin a highway commission to be known as the "Franklin County highway commission," said highway commission to be composed of five citizens, freeholders and taxpayers of Franklin County, North Carolina, all of said members to be appointed by the board of commissioners of Franklin County, one for the term of five years, who shall be a resident of district number five in the numerical districts now in vogue for the nomination of county commissioners in said county, one for the term of four years, who shall be a resident of district number four, one for the term of three years, who shall be a resident of district number three, one for a term of two years who shall be a resident of district number two, one for a term of one year who shall be a resident of district number one; said highway commission shall be a body politic and corporate, may sue and be sued, plead and be impleaded, adopt a common seal, contract and be contracted with, and do any and all things which may be necessary for the accomplishment of the purposes of this act, and may purchase and hold all property which may be necessary for the exercise of its powers herein conferred upon it.

Highway
commission
created.

SEC. 2. That the term of office of the "Franklin County highway commission" shall begin on the first Monday in December, one thousand nine hundred and twenty-five. The said Franklin County highway commission appointed as hereinbefore provided shall organize immediately and elect one of its members as the chairman of said commission and shall hold office for five years; the second for four years; the third for three years; the fourth for two years and the fifth for one year, and their successors shall be hereafter appointed by the board of commissioners of Franklin County, on the first Monday in December of each year, and shall hold office respectively for the term of five years from and after the date of their appointment: *Provided*, that the road commissioner appointed for each district shall be from the township not represented by a member on the board of county commissioners.

Term of office.

Election of
chairman.

SEC. 3. That upon the failure of any member of the "Franklin County highway commission" now or hereafter appointed to qualify or in case of the death or resignation of any member of said highway commission said vacancy shall be filled by ap-

Failure to
qualify, etc.

pointment made by the board of county commissioners of Franklin County.

Maintenance of
public roads.

SEC. 4. That all public "improved roads" in said county of Franklin that have been constructed with township bond money and all such roads as may hereafter be so constructed shall be repaired and maintained by the said highway commission: *Provided, however*, that such roads as may hereafter be constructed in accordance with the standard fixed by said highway commission or pursuant to an order made by the board of county commissioners of Franklin County, upon the recommendation by a majority of said highway commission. That all township bonds heretofore issued by the various townships of Franklin County, for the building and construction of the roads of said county and such township bonds as may be issued by any of the townships in said county for like purposes, in the future shall remain a liability and charge against the township issuing the same in the same manner and way as if this act had not been passed.

Proviso.

Oath of
office.

SEC. 5. It shall be the duty of said highway commission before entering upon their duties under this act to take and subscribe an oath "that they will faithfully and diligently do and perform the duties imposed upon them under this act," which oath shall be administered by the chairman of the board of county commissioners of Franklin County, or under his direction, on the first Monday in December, one thousand nine hundred and twenty-five, to elect a secretary to said highway commission for a term to be fixed by said commission, who shall keep all records of their official acts, which record shall be open to the public and in the possession of the chairman of said highway commission. That the members of said county highway commission shall receive a per diem of five dollars (\$5) per day for each day of service and mileage of five cents per mile traveled in the bona fide performance of his duties: *Provided*, that said member of said highway commission shall not be paid for more than twenty-five days in any one year.

Compensation.

Proviso.

Commission
to purchase
tools, etc.

SEC. 6. That said highway commission is hereby authorized and empowered to purchase machinery, tools, implements, equipment and supplies as may be necessary for the proper repairs and maintenance of the public improved roads of Franklin County, employ labor, skilled or unskilled, work convicts of Franklin County or other counties, repair and maintain the public improved roads of said county now existing or such as may hereafter be constructed by taxation or bonds on the part of any township in said county as may be built and constructed in accordance with the standard fixed by the said highway commission or as may be designated by the board of county com-

missioners as hereinbefore provided, shall have the right to acquire by gift, condemnation or purchase such soil, dirt, gravel and material as may be necessary for the proper upkeep and maintenance of said roads.

SEC. 7. That for the purpose of repairing and maintaining the roads in Franklin County hereinbefore designated and for the payment of machinery and equipment necessary for said purpose and for the purpose of paying said highway commission and for carrying out the purposes of this act, the county commissioners of Franklin County are hereby authorized, empowered and directed to levy at the time of levying other county taxes a tax not to exceed thirty cents on the hundred dollars valuation of the taxable property in said county, said taxes to be levied, collected, accounted for and paid out in the same manner and under the same penalties as other county taxes. That a separate count of said funds shall be kept and known and designated as the "highway maintenance fund."

Special tax.

SEC. 8. That out of the funds derived from the special levy and collection as above provided, said highway commission shall pay first the cost and expense of equipment, machinery, tools and supplies. (Two) The compensation provided herein for the members of said highway commission. (Three) The balance shall be distributed and expended in so far as may be practicable in each township in said county in proportion to its area and population, for labor, work and material done in said respective townships in carrying out the purposes of this act.

Expenses.

SEC. 9. That upon the qualification of the members of the Franklin County highway commission, the road trustees of commission of the various townships in Franklin County, shall on January first, one thousand nine hundred and twenty-six, turn over to said highway commission and the said highway commission shall receive all such moneys then on hand by said township road authorities that have been collected under the maintenance tax heretofore existing and not expended by said township road authorities as of that date together with all machinery, equipment, tools and appliances and other property heretofore used by said township road authorities for the repair and maintenance of their respective roads, and then on hand. That said highway commission shall assume the payment of such notes, debts or obligations as may be owing by the said township road authorities on the purchase price of such machinery, equipment, tools and property as may exist at the time the same shall be turned over to said highway commission as above provided. That at the time of the transfer and delivery by the said township road authorities of said moneys and prop-

Transfer of money.

Commission to pay notes, etc.

Final statement.

erty above specified or within thirty days thereafter the said township road trustees, or other authority shall file with the board of county commissioners of Franklin County a final statement in duplicate showing in detail the moneys collected by them for the maintenance of their respective roads and its disbursement. Said statement to be sworn to, one copy to be kept on file by the clerk to the board of county commissioners for Franklin County. That the failure to file said itemized sworn statement as above required shall render each member of the trustees, commissioners, or other authority in the various townships of Franklin County, liable in a criminal action as in cases of misdemeanors under the statute.

Quarterly statements of commission.

SEC. 10. That said highway commission be and the same is hereby required to prepare and submit to the board of county commissioners quarterly statements, in duplicate, showing in detail the moneys collected and expended by it in the performance of its duties hereunder; one of which statements shall be kept on file by the clerk to the board of county commissioners, and open for inspection to the public and the other copy to be posted at the courthouse door of said county. Failure to prepare and submit the statements above provided shall render each member of said highway commission liable in criminal action as for misdemeanors under this statute.

This act to be submitted to people.

SEC. 10½. That this act shall be submitted to a direct vote of the people and a majority of the votes cast shall be counted. The said election shall be advertised at least thirty days before the said election in the county newspapers, held under the same rules and regulations prescribed for the election of the members of the Legislature, and in said election all electors now registered shall vote a ticket favoring this act a ticket with the words "For county-wide maintenance," and those opposed a ticket with words "Against county-wide maintenance" thereon. Said ballots shall be cast in separate ballot boxes provided for same, and the results of the election shall be ascertained by the judges of election at said polling places in the different townships in the county, and the same certified and returned to the county commissioners within two days after the election, who shall verify such return and cause same to be recorded in the minutes, and also shall make return of result, under the signatures of the county commissioners and same turned over to the register of deeds of said county. That if the election of this issue is carried the commissioners shall carry out the provisions of this act.

Conflicting laws repealed.

SEC. 11. That all laws and clauses of laws in conflict herewith are hereby repealed, and all laws and clauses of laws not in conflict herewith are in no wise repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 506

AN ACT TO ESTABLISH A COUNTY ROAD SYSTEM AND TO CREATE A COUNTY ROAD COMMISSION FOR JOHNSTON COUNTY.

Whereas, the county of Johnston has no organization for the construction or maintenance of roads in such county, and whereas township units have been inaugurated and are now existing in a number of the townships; and

Preamble.

Whereas, there are a number of townships in Johnston County which have no towns, railroads or other corporations within borders, and therefore all taxes for road construction and maintenance in such townships must be borne by the farm lands in such townships; and

Whereas, those townships having towns, railroads and other advantages enjoy the benefits of the trade and commerce from those townships that do not enjoy these advantages; and

Whereas, a sense of fairness and justice requires that the county as a whole should come to the relief of these outlying agricultural districts and provide a suitable, safe and dependable system of county roads that will make possible and easier, safer and more satisfactory opportunity for social, industrial and economic intercourse among all of the people of the various sections of the county; and

Whereas, the financial conditions of the present time do not now justify the inauguration of a complete county-wide system taking in all of the roads of the county with its attendant large bond issues and financial obligations that would be involved; and

Whereas, it is the purpose of this act to inaugurate, adopt and maintain certain main roads connecting all sections of the county by through roads to be known as county roads and to come under the jurisdiction and control of the road commission of Johnston County: Now, therefore,

The General Assembly of North Carolina do enact:

SEC. 1. That there is hereby created and established for the county of Johnston, a road commission to be known and designated as "road commission of Johnston County," hereinafter referred to in this act as the road commission, which commission is hereby constituted a body corporate with all the rights,

Road
commission
created.

liabilities, powers and duties provided for county road commissions under the provisions of section thirty-seven hundred and forty-five, Consolidated Statutes, one thousand nine hundred and nineteen, and amendments thereto in so far as the same are consistent with the further provisions of this act.

Division of
county into
districts.

SEC. 2. For the purpose of administration, the county of Johnston is hereby divided into five road districts, to be composed of the following territory, to wit:

First District—Clayton, Wilders, Cleveland townships.

Second District—Pleasant Grove, Meadow, Elevation and Banner townships.

Third District—Smithfield, Selma, Pine Level, Wilsons Mills townships.

Fourth District—Beulah, Boon Hill, Micro, Oneals townships.

Members of
road
commission.

SEC. 3. The said road commission shall consist of five members, one from each of said districts. These commissioners, who will be named by the Legislature of North Carolina, shall meet in the courthouse in Smithfield not later than the second Monday in May, nineteen hundred and twenty-five, and organize said commission by selecting one of their number as chairman of said commission, another as secretary and another as treasurer of said commission. The said five commissioners shall serve for two years and their successors in office shall be named by the Legislature of North Carolina. In the event any member as named by the Legislature fails to qualify, or in the event of the death, resignation or removal of any member of such commission, those remaining commissioners shall select a successor or commissioner to fill such vacancy, such commissioner must be a resident of the district in which the vacancy occurs, and such member shall serve out the unexpired term of the commissioner whom he succeeds, or until their successors are elected and qualified.

Meetings.

Election
chairman, etc.

Vacancies.

Compensation.

SEC. 4. The compensation of the members of the road commission of Johnston County shall be the same as that fixed by law for the county commissioners of Johnston County.

Purpose of act.

SEC. 5. The primary purpose of this act is to provide roads for those sections, districts and townships of the county that have no adequate roads that connect them with the State highways and with all sections of the county. The general routes to be followed are incorporated in this bill and the members of the highway commission will take into consideration those routes and roads leading by or near, and that will best serve the county in the use and operation of the trucks used by the public schools in the transportation of the students to and from the schools of the county.

SEC. 6. The highway commission herein appointed are hereby authorized and directed to follow the routes and roads herein specified in so far as is practicable, and when such routes and roads have been definitely laid out, adopted and accepted by the said commission, said roads shall constitute county roads and shall thereafter be under the absolute control, direction and jurisdiction of the said roads to the exclusion of all other road authorities. Routes laid out.

The said county road system shall follow the following roads and routes so far as is practicable in the opinion of the said commission: Roads and routes.

Beginning at Clayton, going by the Pythian Orphanage, thence by the J. P. Edmundson place by way of Rands Mill, thence on to Benson, thence from Benson to Peacocks Cross Roads by way of Wilmington Road, thence to Glenwood, thence to Harpers, thence to Flower Store, thence to Cox's Mill, thence to Richardson Bridge, thence to Princeton, thence to Kenly, thence to Moores School House, thence to Sandy Springs, thence to Atkinson Mill, thence to Corinth, thence to Archer Lodge, thence to Clayton, this road shall constitute a belt line connecting the State highway at Clayton with the State highway at Benson and connecting the State highway at Benson with the State highway at Princeton, and connecting the State highway of Princeton with the State highway at Kenly, and connecting the State highway at Kenly with the State highway at Clayton; thus forming a belt line around the county connecting with all State highways in the county and following such routes as will serve to give the schools and the people generally easy access to our State highways and to the towns, markets and schools of the county. This part of the county highway shall be the first to be taken over by the commission. When this part of the system has been taken over and put in safe traveling condition, the commission shall proceed to lay out, take over and adopt roads leading from the county lines at points about equidistant between Clayton and Benson and point between Benson and Princeton and point between Princeton and Kenly and point between Kenly and Clayton, and construct a road leading from the county line to some point on the State highway near the center of the county and in so doing the commission shall take over only existing roads and improve and maintain them, except that wherever it may be necessary or advisable, in the opinion of the commission, they may eliminate curves and shorten distances. These lateral roads shall be adopted with the idea of serving the school trucks by following the routes leading to and by the public schools in so

far as is practicable. When this lateral system has been adopted and taken over and put in operation, then the said commission may take over a road beginning at Wilsons Mills and leading to Micro, thence to Pine Level, thence to Four Oaks and thence back to Wilsons Mills following the shortest practicable route that will be of service to the people of the county.

Public meeting.

SEC. 7. That in the laying out of these roads the commission may call a public meeting of the citizens living in the affected area, and whenever it is necessary or expedient to make any change in the routes herein specified, it shall be done only after a public hearing as above specified, and after a majority of the said commission shall have voted to adopt such route.

Commission to have complete authority.

SEC. 8. The commission as herein created shall have full, complete and final authority, control and jurisdiction of those roads adopted as county roads.

Use of convict force.

SEC. 9. The convict force and all persons convicted of any crimes, and sentenced to be worked upon the public roads of Johnston County, shall hereafter be assigned to work on the county highways of Johnston County, and such convicts or prisoners shall be under the direct and absolute control and direction of the road commission of Johnston County.

Purchase of machinery, etc.

SEC. 10. For the purpose of repairing, improving or constructing the highways of Johnston County as hereinbefore specified the "road commission of Johnston County" shall have the authority to employ all necessary engineers, superintendents, and other employees as in their judgment is necessary to carry out the purposes of this act, and they are further authorized and empowered to purchase such machinery, equipment and supplies as may in their judgment be necessary to carry out the provisions of this act, and the said commissioners or the superintendent, engineers, or employees thereof provided for in this act, shall have authority, and they are hereby vested with the power, to enter upon any lands in the county for the purpose of cutting and removing any trees, except ornamental and shade trees, or for the purpose of digging and carting away any stones, gravel, clay, earth or sand, which may be necessary or needful to repair, improve or construct any such roads, and to make or cut such drains, ditches or canals over or through said land as may be necessary or needful for the benefit of any such road, always having in mind the interest of such landowner as well as that of the public road, and doing as little injury to said land as possible. Any person considering himself damaged by the cutting of timber or removal of stone, clay, gravel, earth, or sand from his land, as above provided, or any person on whose land any new road may be located, may prefer his claim before the board of road commissioners of Johnston

County, and when allowed by said board such claim or any part thereof which may be allowed shall be paid out of any moneys belonging to said county highway road fund: *Provided*, such claim for damages shall be made within three months after the completion of any new road laid out or the removal of such road material as is herein provided for; and any such claimant may petition said board of road commissioners of Johnston County for a jury to assess the damages who shall order a jury of three disinterested freeholders to be summoned by the sheriff or other lawful officer of the county, who shall give the claimant or landowner notice of the time and place, when and where said jury will meet to assess the damages, if any, over and above the benefits accruing to said landowner: *Provided*, any party dissatisfied with the finding of said jury may appeal to the Superior Court as is provided by law for appeals from courts inferior to the Superior Court. Pending such appeal, however, the work of construction and building the said road shall not be interrupted, but may continue notwithstanding such appeal. The board of road commissioners of Johnston County shall have authority and they are hereby authorized and empowered to order the removal of any obstructions along the highways of Johnston County that make travel on such highways dangerous.

Proviso.

SEC. 11. The "road commission of Johnston County" are hereby authorized and empowered to cooperate with the road commissioners of the various townships in Johnston County, with the State Highway Commissioner of North Carolina, and with the Federal Government, relative to any township, county or State highways in Johnston County, and they are hereby authorized and empowered to act for the county in any matters affecting any of the roads of said county.

Coöperation.

SEC. 12. The road commissioners of any townships through which any one of the county highways may pass are hereby directed to put that section of the road passing through the township in good traveling condition before the same is accepted by the "road commissioners of Johnston County": *Provided*, however, the "road commissioners of Johnston County" may in its discretion take over and adopt such roads as they are where the township has no road commissioner or where, for financial or other reasons, such township is unable to put such roads in acceptable condition.

Repair of roads.

The chairman of the township road commission shall constitute an advisory committee to the "road commission of Johnston County," however their powers shall be only recommendatory.

Advisory committee.

Special tax.

SEC. 13. The board of commissioners of Johnston County be and they are hereby authorized, empowered and directed to levy a special tax of fifteen cents (15c) on one hundred dollars (\$100) valuation of property, on all taxable property in Johnston County, at the same time and in the same manner with the levies of other county taxes. Said taxes shall be levied and collected and paid over to the treasurer of the "road commission of Johnston County" for use in construction and maintenance of the roads herein provided for. There shall not be deducted from said taxes so collected any commission or other costs of collections by any sheriff or tax collector collecting same, nor by the treasurer or financial agent for disbursing the same, nor by any officer of Johnston County for computing said taxes, nor to any officer for listing the same. The sheriff of Johnston County shall make a settlement of all taxes provided for by this act on the first day of January and the first day of July of each and every year.

Settlement.

Commissioners directed.

SEC. 14. The board of county commissioners of Johnston County are hereby authorized, empowered and directed to do all such acts and things as may be necessary to the carrying out of the provisions of this act, and upon application made to them by the "road commission of Johnston County" they shall do such acts and things as such commission may report: *Provided*, such acts and things are not inconsistent with the provisions of this act.

Authority to borrow money.

SEC. 15. The "road commissioners of Johnston County" are hereby authorized to borrow money on short-term notes with which to begin the work and to set in motion the work, and road improvement contemplated under the terms of this act, and such short-term notes shall be paid out of the funds collected under the tax levy herein authorized, as soon as such taxes have been levied and collected. The board of county commissioners are hereby authorized, empowered and directed, upon application made to them by the "road commission of Johnston County," to issue such notes and to pledge the credit of Johnston County for the payment of the same, as the "road commission of Johnston County" may request: *Provided*, such notes shall not exceed an amount equal to fifteen cents (15c) on each hundred dollars worth of property listed for taxation in Johnston County. Such notes when so issued shall be a valid and binding obligation upon Johnston County.

Does not repeal.

SEC. 16. This act shall not in any way interfere with or repeal any of the provisions of any township road law now in existence and operation for any township in Johnston County.

Question submitted to voters.

SEC. 16½. That before this act shall be effective the question to establish the aforesaid road commission for Johnston County

shall be submitted to the qualified voters of Johnston County at a special election to be held the first Tuesday in May, one thousand nine hundred and twenty-five. Those in favor of a road commission shall vote a written or printed ballot "For Johnston County road commission"; and those against said commission shall vote a written or printed ballot "Against Johnston County road commission." The said election shall be held in accordance with the general laws regulating elections for the members of the General Assembly of North Carolina. Upon a majority of votes cast favoring said commission this act shall be in full force and effect, otherwise to be void and of no effect.

Rules of election.

SEC. 17. That all laws and clauses of laws not specially excepted herein and that are in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 507

AN ACT TO AMEND CHAPTER 452 OF THE PUBLIC-LOCAL LAWS OF 1911, CHAPTER 306 OF THE PUBLIC-LOCAL LAWS OF 1913, AND CHAPTER 70 OF THE PUBLIC-LOCAL LAWS OF 1920, EXTRA SESSION, RELATING TO SALARIES FOR CERTAIN COUNTY OFFICERS OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five (5) of chapter four hundred fifty-two of the Public-Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words and figures "two thousand seven hundred and fifty dollars," in line two (2) thereof, and inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)"; and that section two (2) of chapter seventy of the Public-Local Laws of one thousand nine hundred and twenty (extra session) be and the same is hereby amended by striking out the words and figures "three thousand [dollars] (\$3,000), in lines five and six thereof, and inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)."

Amendment.

SEC. 2. That section thirteen (13) of chapter four hundred fifty-two of Public-Local Laws of one thousand nine hundred and eleven be amended by striking out the words "one thousand

seven hundred and fifty dollars," in line three thereof, and by inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)"; and that section four (4) of chapter three hundred and six of the Public-Local Laws of one thousand nine hundred and thirteen be amended by striking out, in line four thereof, the words "two thousand dollars a year," and inserting in lieu thereof the words "four thousand dollars a year"; and that section four of chapter seventy of the Public-Local Laws of one thousand nine hundred and twenty (extra session) be amended by striking out the words and figures "three thousand dollars (\$3,000)," in lines five and six thereof, and by inserting in lieu thereof the words and figures "four thousand dollars (\$4,000)"; and that section four of chapter seventy of the Public-Local Laws of one thousand nine hundred and twenty (extra session) be amended by striking out, in line ten thereof, the words "three thousand dollars a year," and inserting in lieu thereof the words "four thousand dollars a year."

SEC. 3. That this act shall be in force and effect from and after April first, one thousand nine hundred and twenty-five.

Ratified this the 9th day of March, A.D. 1925.

Date of
effect.

CHAPTER 508

AN ACT TO ENABLE THE SCHOOL BOARD OF THE GIBSON HIGH SCHOOL, SCOTLAND COUNTY, NORTH CAROLINA, TO APPOINT A BANK AS TREASURER OF THE GIBSON HIGH SCHOOL SPECIAL TAX FUND.

The General Assembly of North Carolina do enact:

SECTION 1. The school board of the Gibson high school district of Scotland County, North Carolina, are hereby authorized and empowered to appoint a bank located in the town of Gibson in said county to act as treasurer of the Gibson high school special tax fund, and such bank to have all power necessary for the fulfillment of said office as treasurer of said special tax fund.

SEC. 2. The compensation for such services to be fixed by said school board.

SEC. 3. That such bank shall give bond endorsed by a reputable bonding company to be approved by the said school board in such sum as the said school board shall determine.

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

Appointment
of bank as
treasurer.

Compensation.

Bank to give
bond.

Conflicting
laws repealed.

SEC. 5. That this act shall be in force from and after July first, one thousand nine hundred and twenty-five.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 509

AN ACT MAKING IT UNLAWFUL FOR WAKE COUNTY TO ISSUE BONDS EXCEPT UPON POPULAR VOTE OR EXCEPT THOSE BONDS AUTHORIZED BY THE 1925 GENERAL ASSEMBLY.

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 Wake County shall have no authority to issue bonds or otherwise create a bonded indebtedness on behalf of said county unless said proposed issue of bonds shall have been approved by a vote of the qualified electors of Wake County, or unless the issue of said bonds has been authorized by the one thousand nine hundred and twenty-five General Assembly.

No authority
to issue bonds.

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

Conflicting
laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 510

AN ACT TO PERMIT BLOWING ROCK TOWNSHIP IN WATAUGA COUNTY TO VOTE BONDS TO AID IN THE CONSTRUCTION OF THE LINVILLE RIVER RAILWAY FROM WINKLER'S SIDING TO BLOWING ROCK, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Blowing Rock Township in Watauga County may subscribe to the capital stock of the Linville River Railway Company, or make donations to the said company, the said subscriptions to be paid, or the donation to be paid by the sale of bonds of the said township, bearing five per centum interest, as hereinafter provided, subject to the approval of the qualified voters of said township.

Township
permitted to
vote bonds.

SEC. 2. That the board of commissioners of Watauga County are authorized, and it shall be their duty whenever forty taxpayers in said township in said county shall petition the same, to cause an election to be held in said township, at the proper and legal voting place therein, after thirty days notice of said election published in any newspaper published in said county and at three public places in said township, and to submit to the qualified voters of said township the question of subscribing to the capital stock of the Linville River Railway Company, or making donations as aforesaid, the sum of money specified in the written request of the said petitioning taxpayers, not to exceed the sum of thirty thousand dollars, at which election those in favor of said subscription or donation, as the petitioners may request, shall deposit a ballot on which shall be written or printed the words "For subscription"; but if the purpose be to make a donation, then, in that case, the ballot shall have the words "For donation," and those opposed shall deposit a ballot on which is written or printed the words "Against subscription," or "Against donation" as the case may be. Said election to be held in all respects as required by law for the elections of members of the General Assembly, except as herein otherwise provided. The returns of said election shall be made to the county commissioners of said county on Tuesday next after the day on which said election is held, who shall on that day canvass the same and declare the result of said election; and if a majority of all the legally qualified voters in said township shall vote for subscription, or for donation, then the subscription or donation so authorized shall be made by the chairman of the board of county commissioners of said county. If for subscription, then the said railway company shall upon the payment of the said subscription issue to the chairman of the said board as trustee for the said township the amount of stock so subscribed for and the said chairman shall represent the interest of the said township in all meetings of the said railway company; but if said election is for and the result of the election is in favor of a donation, then the chairman of said board shall cause the said bonds to be sold to the highest bidder for cash after advertising for bidders for ten days and execute the bonds as hereinafter described to the purchasers. The chairman shall notify the said railway company of the result of the election and the result of the sale of the said bonds and shall deliver or cause to be delivered to the said Linville River Railway Company the amount so subscribed or donated upon the completion of the said railroad from Shulls Mills in said county to the town of Blowing Rock in said county, and the said road shall be deemed completed when the

Election.

Ballots.

Returns.

Bond sale.

Chairman to notify railway company.

railroad iron is placed and the first train passes on the said road to Blowing Rock.

SEC. 3. For the payment of any subscription made or for carrying into effect any donation as provided in the next preceding section the board of county commissioners of Watauga County shall issue bonds to the amount authorized to be subscribed or donated, payable to bearer, and said bonds shall express on their face by what authority and for what purpose they are issued, said bonds shall be coupon bonds of the denominations of not more than one thousand nor less than one hundred dollars, and shall bear interest at the rate of five per centum per annum, the interest payable on the first day of May each successive year by the treasurer of said county. Said bonds shall be due and payable as follows: Three thousand dollars on the first day of May, one thousand nine hundred forty-five, and three thousand dollars each successive years thereafter and each bond shall specify the date on which it is payable.

Bond issue authorized.

Rate of interest.

Payment.

SEC. 4. All the county taxes which shall be levied and collected upon the property and franchise of the Linville River Railway Company in said Blowing Rock Township shall be applied to the payment of the interest on the said bonds to the amount of said interest so long as the same shall accrue and the excess of said taxes, if any, shall be applied to the payment of the principal of the said bonds and the excess may be used to create a sinking fund for that purpose; when the said bonds are paid the said taxes to be applied to the general county purposes.

County taxes applied to payment of interest.

SEC. 5. That to provide further for the payment of the interest on said bonds, the board of county commissioners shall, in addition to the taxes mentioned in the next preceding section and other taxes, each year compute and levy upon the proper subjects of taxation in said township a sufficient tax to pay the interest on said bonds that is not discharged by the taxes collected from the said railway company, and in order to pay said bonds as they mature the said commissioners shall, at the expiration of ten years from May first, one thousand nine hundred twenty-five, annually compute and levy an additional tax sufficient to create a sinking fund sufficient to discharge the said bonds as they mature, all of which tax shall be collected by the sheriff of Watauga County under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the collection and payment of county and State taxes. The said sheriff shall first pay the interest on the said bonds and the coupons shall be his vouchers and evidence of payment and the balance of the said

Special tax.

money shall be applied to the payment of the said bonds as herein provided.

Signature.

SEC. 6. The said bonds shall be signed by the chairman of the board of county commissioners of Watauga County and the clerk of the board, and the coupons shall be signed by the chairman alone.

New registration.

SEC. 7. That it shall be lawful for the county commissioners to order a new registration of voters for said election.

Bond sale.

SEC. 8. If in the sale of the said bonds the said commissioners are satisfied that the bids received for the said bonds are not high enough, they may reject all bids and make a resale after advertising said sale as hereinbefore provided, and continue to reject and resell until the said bonds have brought a fair value.

Amount of bonds.

SEC. 9. That it shall not be lawful for the said township to have bonds issued under this act amounting in the aggregate to more than thirty thousand dollars, and the amount to be voted upon shall be designated in the petition of the petitioning taxpayers and stated in the notice given by the said commissioner of the time and place of the election.

Advertisement of bond sale.

SEC. 10. If the said bonds are voted as herein provided, then said bonds shall be issued as herein before provided, within sixty days after the result of such election is declared, and the said commissioner shall at once advertise the said bonds and complete a sale thereof in the said sixty days. That the said railway company may become the purchasers of the said bonds. If the said railway company upon the declaration of the result of the election agrees to take the bonds at par the said commissioners may without further effort at selling the said bonds agree to sell them to the said company at not less than par value thereof.

Proceeds.

SEC. 11. When the said bonds are sold the proceeds derived from the sale thereof shall be deposited with the Watauga County Bank to be held in trust by the said bank until satisfactory evidence is produced of the completion of the said railroad to Blowing Rock, whereupon the said money shall be delivered to the president of the said Linville River Railway Company. If the said company agrees to take the said bonds then the said bonds together with the coupons shall be so deposited with the said bank and delivered to the said company upon satisfactory proof of the completion of the said railroad to the said town of Blowing Rock, North Carolina. That when the said bonds are issued they with the said coupons attached shall be numbered and a record kept by the officers issuing them, showing the numbers, amounts and dates of maturity of the same respectively.

SEC. 12. That for the purpose of this act Blowing Rock Township in the county of Watauga is hereby created a body politic and corporate with power to carry out the provisions of this act, and the county commissioners of the said county of Watauga are declared to be the corporate agents of the said township.

Blowing Rock
Township
body politic.

SEC. 13. That any officer failing or refusing to perform his duties under this act shall be guilty of a misdemeanor.

Failure of
officer to perform
duties.

SEC. 14. That the said Linville River Railway Company shall commence the construction of the said railroad from Winkler's Siding, or as near thereto as said company may deem practicable, to Blowing Rock, or as near thereto as practicable, within six months after the said bonds herein provided for have been voted by said township and complete the same within twelve months after the said election to entitle it to the said subscription or donation, and its failure to so commence and complete the said road shall forfeit its right to the said amount voted.

Commencement
of construction.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 511

AN ACT TO PROVIDE FUNDS FOR ROAD MAINTENANCE IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Anson County shall levy an annual license tax of five dollars upon each automobile and motor truck owned by any person, firm or corporation residing in Anson County, any person, firm or corporation who shall operate any automobile or motor truck for a period of thirty days within said county, shall be deemed a resident of said county. The fiscal year for said license tax shall run from July the first to June the thirtieth, inclusive. All license taxes paid after January the first and expiring June the thirtieth shall be in a sum one-half the annual tax. The tax herein imposed and levied shall be collected by the sheriff of Anson County, and he is hereby vested with the right and power to levy upon the automobiles and motor trucks upon which said tax is liable and sell the same under the same provisions now allowed by law for the collection of other taxes.

Annual
license tax.

Collection.

SEC. 2. That the said board of commissioners shall furnish the sheriff of Anson County with suitable tags which shall be numbered and show the date of the expiration of the license and

Tags showing
expiration.

such other things as said board may deem proper. Such tags shall be delivered by said sheriff upon the payment of the tax herein imposed to all who shall pay such tax. And said tags shall be prominently displayed at all times on such automobile or motor truck upon which said tax is paid.

Record of
license taxes.

SEC. 3. The sheriff of Anson County shall keep a record of all license taxes paid hereunder and make monthly settlements with the board of commissioners of all moneys collected and shall give bond in the sum of two thousand dollars for the faithful payment of all taxes collected under and by virtue of this act.

Expenses.

SEC. 4. The board of commissioners of Anson County shall pay all the costs and expenses in furnishing the tags herein mentioned out of the taxes collected including a fee of twenty-five cents to be paid the sheriff of Anson County upon each tag issued by him upon which said tax has been collected.

If tag is
lost.

SEC. 5. Upon satisfactory proof made to the sheriff of Anson County that any tag issued by him has been lost, stolen or destroyed the said sheriff shall issue a new tag upon the payment to him of the sum of one dollar which said sum shall be paid to the commissioners less a fee to the sheriff of twenty-five cents. A separate record of lost tags shall be kept and said record shall show a brief statement of why a new tag was issued.

Proceeds.

SEC. 6. That all moneys collected under the provisions of this act except expenses and fees as herein above set forth shall be expended by the board of commissioners of Anson County for the upkeep and maintenance of the public roads of Anson County except State highways.

Failure to
display tag.

SEC. 7. Any person, firm or corporation who shall fail to display the tag upon the automobile or motor truck as herein required or who operates any automobile or motor truck upon which the annual license tax herein imposed has not been paid upon the public roads of Anson County, shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty days.

Violation
misdemeanor;
penalty.

SEC. 8. All laws and clauses of laws in conflict with this act are to the extent of such conflict hereby repealed.

Conflicting
laws repealed.

SEC. 8a. That this act shall not be effective until ratified and approved by the county commissioners of Anson County.

Date of effect.

SEC. 9. This act shall be in full force and effect from and after July the first, nineteen hundred and twenty-five.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 512

AN ACT TO AMEND CHAPTER 235 OF THE PUBLIC-LOCAL LAWS 1915, AS AMENDED BY CHAPTER 124, PUBLIC-LOCAL LAWS 1919, RELATING TO WORKING OF THE PUBLIC ROADS OF WICCACANEE TOWNSHIP, OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter two hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and fifteen, as amended by section one, chapter one hundred and twenty-four, Public-Local Laws one thousand nine hundred and nineteen, be and the same is hereby stricken out and the following inserted in lieu thereof: Amendment.

"Sec. 7. At or before their meeting in May of each year said board of road commissioners of Wiccacanee Township shall consult together as to the amount of money reasonably necessary to purchase suitable tools, machinery, teams and supplies for all other purposes necessary for the proper working and improving and establishing the public roads in said Wiccacanee Township, and to pay all expenses thereof and the expenses pertaining to the performance of their duties for any one year, and shall annually fix and determine the rate of taxation on the property and polls of said township for the purpose of raising said amount, which rate shall not be less than ten cents and not more than sixty cents on the one hundred dollars valuation of the real and personal property, and not less than thirty cents and not more than one dollar and eighty cents on each poll for any one year, and said board of county commissioners shall report the rate of taxation thus ascertained and determined by them to the board of county commissioners of said Northampton County on or before their June meeting in each and every year, and it shall be the duty of the said board of county commissioners at their meeting in June (or at such time as may be fixed by law) to levy a special tax as determined by said board of township road commissioners, but the rate shall be in the discretion of the said board of county commissioners. Said taxes shall be collected as other taxes are collected and shall be kept separate by the tax collector and paid over to the treasurer of said township road board. Such taxes shall be levied upon and collected out of the property and polls in said Wiccacanee Township, whether in incorporated towns or not." Tax collection.

SEC. 2. That section nine of chapter three hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and Amendment.

fifteen in so far as it relates to Wiccacanee Township be and the same is hereby amended by striking out the words "one dollar," in line eleven of said section, and inserting in lieu thereof the words "three dollars," and that said section nine be further amended by adding at the end of said section the following:

Proviso.

"*Provided further*, that if any person liable to work on the roads of said township shall fail to attend and work as provided by law, when summoned so to do, unless he shall have paid the three dollars as provided, he shall be guilty of a misdemeanor, and fined not less than ten dollars nor more than twenty dollars or imprisonment not exceeding ten days."

Amendment.

SEC. 3. That section nineteen of chapter three hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding at the end thereof the following: "And if the owner of the land from which any such gravel, clay, earth, sand or stone may be taken, or through or on which any such drain or ditch may be made, and the said board of road commissioners cannot agree as to the compensation for any damage that may be done any such land thereby, then the owner of such land may bring action against said board of road commissioners to determine such damages, in the court of justices of the peace of said county or in the Superior Court of said county according to the respective jurisdiction of said courts: *Provided*, that any such action shall be commenced within twelve months from the ratification of this act as to all such acts heretofore committed and within twelve months from the commission of all such acts hereinafter committed, or such claims for damages will be barred."

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 513

AN ACT TO PROTECT FISH AND FIX THE LICENSE TAXES FOR FISHING IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Protection of fish.

SECTION 1. That it shall be unlawful for any person above the age of eighteen years of age to take fish with hook and line, rod or reel, or by any other means from the waters of Jackson, Haywood, Swain, Cherokee, Mitchell and Graham counties without first procuring a license as follows:

(1) For any bona fide resident of either of the above-named counties to fish with hook and line, rod or reel, in the county within which he actually resides, a license tax of one dollar per annum. License bona fide resident.

(2) For any person above the age of eighteen years fishing with hook and line, rod or reel, in any of the counties named in this act except in the county where he permanently resides, a license tax of three dollars per annum shall be required. Above age eighteen years.

(3) For any person above the age of eighteen who is not a resident of the State fishing with hook and line, in any of the counties named in this act, shall pay a license fee of five dollars provided he does not own land in said county. Nonresident.

SEC. 2. The license taxes required under this act shall be collected by an inspector or warden to be appointed by the State Fisheries Commissioner, and all moneys received by such wardens or inspectors from the sale of licenses shall be remitted by the inspectors or wardens making such collections to the Fisheries Commissioner once a month, and all moneys received as per above by the Commissioner shall be placed to the credit of the county from which the same was collected. Collection license taxes.

SEC. 3. That all moneys collected under and by virtue of this act shall be used in paying the salaries of wardens or inspectors in the counties above named and it shall be the duty of such wardens or inspectors to collect all license taxes and enforce the fishing laws and such rules and regulations as the Fisheries Commission Board may from time to time promulgate. Use of proceeds.

SEC. 4. It shall be the duty of the Fisheries Commissioner to furnish all inspectors or wardens with necessary and proper license books and report blanks, and to prescribe the duties of wardens and inspectors. License books.

SEC. 5. The clerks of the Superior Court in the counties named in this act are authorized to issue licenses to both resident and nonresident fishermen on application. Necessary license books and blanks to be furnished by the Fisheries Commissioner, and such compensation as may be deemed proper and just shall be allowed the clerks of court who issue licenses as per above by the Fisheries Commission. The clerks of Superior Court to remit the full amount of their collection from the sale of licenses to the Fisheries Commissioner at the end of each month. License issue authorized.

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

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

Ratified this the 9th day of March A.D. 1925.

CHAPTER 514

AN ACT TO AMEND CHAPTER 16, PUBLIC-LOCAL LAWS 1923, RELATING TO THE HANDLING OF PUBLIC FUNDS IN ANSON COUNTY.

Preamble.

Whereas, under the provisions of chapter sixteen, Public-Local Laws, one thousand nine hundred and twenty-three, the board of commissioners of Anson County were required, on the first Monday in November, one thousand nine hundred and twenty-four, to designate and appoint some solvent bank or banks of said county to act as financial agent or agents, depository or depositories for said county; and whereas, the board of commissioners of said county failed to make the appointment aforesaid on the date aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

Bank appointed
financial
agent.

SECTION 1. It shall be the duty of the board of commissioners of Anson County and they are hereby authorized, empowered and directed, on the first Monday in April, one thousand nine hundred and twenty-five, to designate and appoint some solvent bank or banks of Anson County to act as financial agent or agents, depository or depositories for said county, which said bank or banks shall be designated and appointed to act as such until the first Monday in December, one thousand nine hundred and twenty-six, and until a successor or successors are duly designated, appointed and qualified under the provisions of the act aforesaid, and that chapter sixteen, Public-Local Laws, one thousand nine hundred and twenty-three, except as in this section amended, be and the same hereby is reënacted.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 9th day of March, A.D. 1925.

CHAPTER 515

AN ACT TO REGULATE THE FEE FOR SEIZURE OF ILLICIT DISTILLERIES IN WARREN COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
authorized not
to pay fee.

SECTION 1. That the board of county commissioners of Warren County are hereby authorized in their discretion, to decline to pay the fee for seizure of illicit distilleries as provided in Consolidated Statutes, section three thousand four hundred and one.

SEC. 2. That all laws and clauses of laws to the extent of the conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 516

AN ACT TO CREATE A BOARD OF MANAGERS FOR HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Hyde County is hereby abolished, effective March *fifteenth*, one thousand nine hundred and twenty-five, and the terms of office of each member of said board as it is now constituted shall expire on said date. Board of commissioners abolished.

SEC. 2. There is hereby created for the county of Hyde a board of managers to be composed of three members, hereinafter named, who shall qualify in the same manner that members of the boards of commissioners are by law required to qualify, who are hereby invested with all the rights, powers, authorities and duties conferred by law upon the boards of county commissioners of the several counties of the State, and which may hereinafter be conferred by laws which may be enacted. Said board of managers are likewise charged with all liabilities and duties now imposed upon county commissioners and shall perform all duties prescribed by law, and shall act and serve in lieu of the board of county commissioners to whose duties and liabilities it shall succeed. In addition to the powers and duties now prescribed by law the said board of managers are hereby authorized and empowered to appoint a county manager who may be a member of said board of county managers, with such duties and to serve under such rules and regulations as the board may prescribe. The said county manager may serve as tax supervisor, or in such other capacity as the board of managers may designate and he is hereby authorized to audit the affairs of the county and to do and perform any and all other acts that pertain to county government as the board may direct. The compensation of the county manager shall be fixed by the board of county managers and shall be paid out of the general county fund in monthly payment. Board of managers created.

Rights, etc., of board.

County manager.

Manager to serve as tax supervisor.

Compensation.

SEC. 3. That all officers of Hyde County shall make reports to the board of county managers or to the county manager as often as they may be directed to do so. And said officers are Reports of county officers to managers.

hereby required to submit all records and to furnish all information requested by the board of county managers, or the county manager, who are hereby empowered to audit the accounts of all officers as often as said board or the county manager may deem necessary. If any officer of Hyde County fails to comply with this law or with any rules, regulations and demands of the board of managers, or the county manager, he shall be guilty of a misdemeanor and punished in the discretion of the court; *Provided*, that this act shall apply to all former county officers who have not made final satisfactory settlements.

Failure to
comply.

Members
appointed.

SEC. 4. That L. B. Watson, R. D. Harris and T. H. Jennette are hereby appointed members of the board of managers to serve for terms of two, four and six years respectively from the first Monday in December, one thousand nine hundred and twenty-four, and until their successors are elected and qualified. At the next general election, and every two years thereafter, a member of the board of county managers shall be elected for a term of six years under the general election laws applicable to election of members of boards of county commissioners. The said L. B. Watson, R. D. Harris and T. H. Jennette above named are hereby constituted the board of managers for Hyde County and shall qualify as hereinbefore provided on the fifteenth day of March, one thousand nine hundred and twenty-five, and shall serve their respective terms as above stated, but in case of vacancy occasioned by death, resignation or otherwise, the same shall be filled by appointment by the remaining members of the board of county managers herein named, and vacancies occurring in any succeeding board shall be filled in a like manner. The appointments to fill said vacancies shall be for the unexpired term. If any member of the board of managers fails to qualify then a member to fill the vacancy thereby created shall be appointed by the members who qualify as herein provided.

Vacancy.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 517

AN ACT MAKING IT UNLAWFUL FOR JACKSON COUNTY
TO ISSUE BONDS EXCEPT UPON POPULAR VOTE.

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 Jackson County shall have

Bond issue
only upon
vote.

no authority to issue bonds or otherwise create a bonded indebtedness on behalf of said county unless said proposed issue of bonds shall have been approved by a vote of the qualified voters of Jackson County.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 518

AN ACT TO PROTECT WILD BIRDS AND GAME IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and sixty-four, Public-Local Laws, one thousand nine hundred and twenty-three, and chapter one hundred and thirty-eight of the Public-Local Laws, special session, one thousand nine hundred and twenty-four, be and the same are hereby repealed in so far as the same relate to Mitchell County. Chapter repealed.

SEC. 2. That it shall be unlawful for any person or persons to hunt with dog, or gun for quail, partridge, wild turkeys, or squirrels in Mitchell County, except as hereinafter provided. Unlawful.

SEC. 3. That the open season for hunting quail or partridge in Mitchell County shall be from the fifteenth day of October till the fifteenth day of January of each year. Open season.

SEC. 4. That it shall be unlawful to hunt for or kill wild turkeys or pheasants in Mitchell County before the first day of January, one thousand nine hundred and twenty-eight. Protection turkeys, etc.

SEC. 5. That the open season for hunting squirrels in Mitchell County shall be from the fifteenth day of September till the first day of January of each year. Open season squirrels.

SEC. 6. That it shall be unlawful for any person or persons to hunt and kill any deer in Mitchell County, North Carolina, except from October fifteenth to November first in any year, and no deer shall be killed during said hunting season except and unless the same shall have antlers or horns. Hunting season deer.

SEC. 7. That before and citizen or landowner of Mitchell County shall hunt for any game not on his own land, in said county, he shall first procure a license from the clerk of the court of said county, and pay therefor the sum of three dollars for said hunting season with twenty-five cents additional for clerk's fee; and Hunting license.

before any nonresident of the State shall hunt for any game or wild birds, except he be a landowner in said county, he shall pay for said license the sum of ten dollars together with the clerk's fee of twenty-five cents.

Form of license.

The said license shall be as follows:

To whom it may concern: This is to show that a hunting license has this day been issued to..... for the hunting season of the year, for which license the saidhas paid a fee of

This license is not transferable.

.....C. S. C.

Deputy to issue licenses.

SEC. 8. That the clerk of the court may appoint a deputy in each township to issue said license and collect said fee and all license fees so collected shall be turned over to said clerk, who shall deposit them, together with all license fees received by himself, in the bank of Spruce Pine and shall pay the same out as hereinafter provided, and said funds shall be kept separate and apart from all other funds pertaining to Mitchell County. The said funds shall be paid out on the order of the clerk of the court of Mitchell County to aid in the prosecution of violators of this act and to secure the enforcement of the game law of Mitchell County.

Violation.

SEC. 9. That any person who secures the conviction or gives sufficient information to the officers of the law to secure the conviction of any person or persons for violating any section of this act shall receive the sum of five dollars to be paid out of the funds held by said bank of Spruce Pine upon the order of the clerk of the Superior Court of Mitchell County.

Unlawful.

SEC. 10. That it shall be unlawful for any person or persons or corporation, owning land in Mitchell County, to allow any person or persons to hunt for game on his or their said land unless said persons shall exhibit license as above cited.

Number limited.

SEC. 11. That it shall be unlawful for any person to kill more than twelve quail or partridges in any one day of the hunting season.

Violation and penalty.

SEC. 12. That any person or persons violating any provision of this act shall be fined not less than ten dollars nor more than twenty-five dollars and taxed with costs in each prosecution, and if said fine is not paid the said defendant shall be imprisoned in the common jail in Mitchell County for a term of twenty days. Each person convicted of hunting without license shall be required to pay a double license fee before he shall be allowed to hunt.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 519

AN ACT TO CONFER CRIMINAL JURISDICTION ON THE MARCH CIVIL TERM, 1925, OF ROBESON COUNTY SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the term of Superior Court beginning the last Monday in March, one thousand nine hundred and twenty-five, and continuing two weeks, for the county of Robeson, is hereby given criminal jurisdiction, with full power and authority to try all criminal offenses that may rightly come upon its docket.

Criminal
jurisdiction.

SEC. 2. That this act shall apply only to the said term, and after the adjournment thereof in February, one thousand nine hundred and twenty-five, the said March term shall have only civil jurisdiction as heretofore prescribed.

Application
of act.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 520

AN ACT TO ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF CALDWELL AND WATAUGA.

The General Assembly of North Carolina do enact:

SECTION 1. The dividing line between the counties of Caldwell and Watauga shall hereafter be as follows:

Beginning at the top of White Rock Mountains and running thence to the top of Blue Ridge Mountains at the point nearest to the Yadkin Spring and runs south forty-four degrees thirty minutes west, fifty feet to the center of the Lenoir and Blowing Rock highway, thence with the center of the said highway as follows: North forty-four degrees west two hundred and fifty feet; north forty-seven degrees west four hundred and twenty-two feet; north thirty-five degrees west, one hundred and twenty-four feet; north sixty degrees west, one hundred and fifty-four feet; north seventy-two degrees-thirty minutes west one hundred feet; north

Dividing
line.

eighty degrees west, one hundred and fifty feet; north seventy degrees west, one hundred and fifty feet; south eighty degrees west, one hundred and fifty feet; north seventy degrees west, one hundred feet; north forty-nine degrees west, two hundred and fifty feet; north seventy-two degrees west, one hundred feet; south seventy-four degrees west, two hundred and eighty-five feet; north seventy-one degrees west, one hundred feet; north forty-six degrees west, one hundred and fifteen feet; north sixty-six degrees west, one hundred feet; south fifty degrees west, one hundred and fifty feet; south sixty-two degrees west, one hundred feet; south eighty-five degrees west, one hundred feet; north eighty-three degrees, west one hundred feet; south seventy-nine degrees and thirty minutes west, two hundred feet; north sixty-seven degrees west, one hundred fifty feet; north forty-nine degrees west, one hundred feet; north forty degrees and thirty minutes west one hundred and fifty-seven feet; to a point in said highway near the residence of Washington Clarke on the water divide of the Blue Ridge, from which point a twelve foot maple bears south seventy degrees and ten minutes west, thirty-five and six-tenths distant and a twelve foot spanish oak bears south twenty-nine degrees and ten minutes west, twenty-two and four-tenths distant; thence with the top of said water divide of the Blue Ridge approximately as follows: south seventy-nine degrees no hundredths minutes west, eighty-eight feet to an iron stake; north sixty-eight degrees west one hundred and seventy-one and five-tenths feet to an iron stake, three feet from the northwest corner of an old building; north eighty-two degrees west, one hundred and seventy-one feet to an iron stake; north forty-three degrees west, two hundred and fifty-seven and five-tenths feet to an iron stake; north forty-seven degrees and thirty minutes west two hundred and one and seven-tenths feet to a point on a rock in the rear of Skyland Inn; north fifty degrees and thirty minutes west, one hundred and fifty-two and two-tenths feet to an iron stake; north sixty-three degrees and thirty minutes west, fifty-one feet to a stake, one and five-tenths feet from a small maple; north sixty degrees and thirty minutes west, eighty-four and eight-tenths feet to an iron stake; north seventy-five degrees and thirty minutes west, one hundred and ten and six-tenths feet to an iron stake; south eighty-nine degrees and thirty minutes west, two hundred and thirty-nine and four-tenths feet to a large rock near to the Weeden residence and near Grandview, thence a straight line to the top of Grand Father Mountain to the highest peak thereof, the lands of Everett Pitts shall be in Watauga County.

Special
commissioner.

SEC. 2. The line aforesaid so far as it has not heretofore been surveyed shall be run and marked by S. B. Howard, of Mor-

gantton, North Carolina, who is hereby designated as special commissioner for that purpose. He shall run and mark the said line at as early date as practicable and mark and place permanent markers at a sufficient number of places so that the line established by this act can be reestablished at any time. He shall make a report setting forth a specific location of said line to the respective board of commissioners of Caldwell and Watauga counties, and it shall be entered in the minute docket of said boards, and also registered as a deed, and a copy of said report shall also be filed with the Historical Commission of North Carolina and with the Secretary of State. The expense of said surveys, location and marking shall be borne by Watauga County.

SEC. 3. The sheriffs of Caldwell and Watauga counties, and other peace officers thereof, as well as the officers of the town of Blowing Rock, shall have the right to make arrests within one mile of the dividing line aforesaid, irrespective of the fact that such officer may not at the time of making such arrest be in his own county.

Right to
make arrests.

SEC. 4. If any tract shall lie jointly in the counties of Caldwell and Watauga the tax assessment shall be made and the amount that should be assessed by the said two counties, respectively, shall be determined by the tax supervisors of Caldwell and Watauga counties; and if they cannot agree, the Commissioner of Revenue shall designate some person to adjust the difference between said two supervisors, and the decision of any two of them shall be final.

Tax
assessments.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 521

AN ACT TO AMEND CHAPTER 28 OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF THE 1919 SESSION, ESTABLISHING THE ROCKY MOUNT ROAD DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the fifth, sixth, and seventh words of lines one and two of said act are hereby stricken out and repealed.

Words
repealed.

SEC. 2. That so much of this section as affects Red Oak Township is hereby repealed.

Repealed.

SEC. 3. That nothing herein shall be construed to require Red Oak Township to assume any obligation incurred by the Rocky Mount road district.

No obligation.

Red Oak
Township
restored.

SEC. 4. That this act shall automatically restore Red Oak Township or her original status conferred by chapter four hundred and fifty-one of the Public-Local Laws of one thousand nine hundred and eleven.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 522

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF RANDOLPH COUNTY TO SUBSCRIBE TO THE PEOPLE'S ORPHANAGE, IF APPROVED BY A POPULAR VOTE.

The General Assembly of North Carolina do enact:

Vote on
subscription
to orphanage.

SECTION 1. That the board of county commissioners of Randolph County are hereby authorized and empowered to subscribe the sum of ten thousand dollars (\$10,000), two thousand dollars of which shall be payable each year after the election herein provided for, in aid of a nondenominational orphanage to be erected in Randolph County and to be governed and controlled by a board of trustees to be selected hereafter; and said payments may be made at the rate of two thousand dollars (\$2,000) a year for five years to the said institution only if a majority of those voting at the next general election in Randolph County shall vote in favor thereof.

Submission
of question.

SEC. 2. That there shall be submitted to the voters of Randolph County, at the regular November election in one thousand nine hundred and twenty-seven, the question of whether the said board of county commissioners shall make said subscription, upon which all duly qualified electors shall have the right to vote, when those voting in favor of such subscription shall vote a ballot with the words "For subscription to the people's orphanage" written or printed thereon, and those opposing such subscription shall vote a ballot with the words "Against subscription to the people's orphanage" written or printed thereon.

Rules of
election.

SEC. 3. The said election shall be held under the same rules and regulations as those prescribed for members of the General Assembly, and the return thereof canvassed by the county board of elections of Randolph County, who shall certify the result to the board of county commissioners, and if a majority of the votes cast at said election upon said question shall be found

to be in favor of subscription to the said orphanage the chairman of the said board of county commissioners shall thereupon subscribe the sum of ten thousand dollars (\$10,000) in aid of the people's orphanage in the name of the county of Randolph and such subscription shall be paid at the rate of two thousand dollars (\$2,000) per year, for five years, beginning with the first Monday of December, one thousand nine hundred and twenty-seven, by the treasurer or financial agent of said county, upon the order of said board of county commissioners to the trustees of said orphanage or any person authorized by them to receive it.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act in so far as same relate to Randolph County are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 523

AN ACT TO PROHIBIT CARNIVALS IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no carnival company, or other like amusement enterprise conducted for profit under the same general management, or filling engagements of more than one day in a county, and giving exhibitions of more than one day in a county, whether under canvass or not, shall operate or open for business, whether showing independently or in connection with any organization of any sort, or for the benefit of any cause whatsoever.

Carnivals
prohibited.

SEC. 2. That no gaming device or devices in which the purchaser or player gets a chance at any article other than the identical one he buys and receives for the amount of money fixed as the price, and that no plan or scheme of rewards or prizes other than outright purchase and sale, shall operate or open for business in Vance County in any connection whatsoever.

No gaming
devices.

SEC. 3. That no license or tax receipt from the State, or county, or any town or city within the county or out of it, shall authorize or permit any such carnival, or devices or plans or schemes as described in sections one (1) and two (2) of this act.

No tax receipt
to give
permission.

SEC. 4. That every person engaged in or employed by any such organization or operating such devices or schemes, under-

Violation
misdemeanor.

taking to exhibit or operate in Vance County shall be guilty of a misdemeanor.

Application
of act.

SEC. 5. That this act shall apply only to Vance County.
Ratified this the 9th day of March, A.D. 1925.

CHAPTER 524

AN ACT TO AUTHORIZE ADDITIONAL BRIDGE BONDS FOR WAYNE COUNTY AND TO AMEND CHAPTER 194 OF THE PUBLIC-LOCAL LAWS OF THE SPECIAL SESSION OF 1921, RELATIVE TO A HIGHWAY COMMISSION FOR WAYNE COUNTY AND FUNDS FOR ROAD BUILDING IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section four of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred and twenty-one be and the same is hereby amended to read as follows:

Electors
appointed.

That for the purpose of electing commissioners to fill any vacancies that may occur in the highway commission, by expiration of term, death, resignation or other cause, the following citizens of Wayne County are hereby appointed as electors from the date of ratification of this act until the first day of April, one thousand nine hundred and twenty-nine, and until their successors are elected and qualified:

Goldsboro Township: George S. Dewey, Graves J. Smith, W. P. Rose and Thos. H. Norwood.

Brogden Township: B. J. Bowden and S. L. Warren.

Grantham Township: Henry Barfield and Walter Blackman.

Fork Township: C. A. Coor and P. M. Thompson.

Buck Swamp Township: Milford Aycock and G. Frank Peele.

Great Swamp Township: Millard Aycock and Grant Holland.

Nahunta Township: Scott Lane and W. T. Yelverton.

Pikeville Township: Leslie Crawford and T. F. Hicks.

Saulston Township: George Coker and F. J. Peele.

Indian Springs Township: C. W. Ivey and Daniel Potter.

Stoney Creek Township: J. C. Barden and O. J. Howell.

New Hope Township: R. H. Edwards and Arnold Smith.

Vacancy.

Whenever there shall be a vacancy in said electorate it shall be the duty of the board of county commissioners to appoint a successor from the same township for the unexpired term. Whenever the term of the electors shall expire it shall be the

duty of the board of county commissioners to appoint their successors from the same townships, the said successor to hold office for a period of four years.

SEC. 2. That section eleven of chapter one hundred ninety-four (194) of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended by striking out the following sentence beginning in line twenty-six of said section and ending in line twenty-eight of said section: "The secretary shall make similar reports to the board of county commissioners on the first Mondays of January, April, July and October of each year."

Amendment.

SEC. 3. That the first sentence of section fifteen of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended to read as follows: "That the board of county commissioners of Wayne County, on the written request of the said highway commission, shall issue from time to time bonds of Wayne County to be known as Wayne County bridge bonds, not to exceed in the aggregate the sum of fifty thousand dollars (\$50,000) in addition to such bridge bonds as have already been issued prior to January 1, 1925."

Amendment.

SEC. 4. That section eighteen of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended by adding after the words "highway commission" in line twenty-two of said section, the following clause: "*Provided, however,* that the health department of Wayne County shall provide for said prisoners at its own expense such medical and surgical attention as may be necessary and shall at its own expense provide the necessary physician to be present at the punishment of all prisoners."

Amendment.

SEC. 5. That section eighteen of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be further amended by adding after the words "male prisoners," in line thirty-two of said section, the following words: "who are physically able to work."

Amendment.

SEC. 6. That section nineteen of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended to read as follows: "In opening or constructing new highways, altering, widening or straightening old highways or in repairing highways the highway commission is hereby authorized through its agents to enter upon any land and locate or build such highways, and is further authorized through its agents to enter upon any land and to cut and carry away any timber, dig and carry away any sand, gravel, dirt, stone or any other material which may be necessary and proper for the repair and construction of high-

Amendment.

ways in Wayne County. The highway commission is further authorized to enter upon any land adjoining or near any highway and to construct or alter such drains or ditches as may be necessary and proper to improve the said highway. The highway commission is further authorized to enter upon any lands adjoining any highway and cut trees on such land for a distance of not over thirty feet from the edge of the right-of-way of said highway for the purpose of properly maintaining said highway. If the highway commission and the owner or owners of said land cannot agree as to the amount of damages, if any, arising from any of the acts above specified, the owner or owners of said land may, after sixty days after said highway is completed, enter suit against said highway commission and petition the clerk of the Superior Court of Wayne County for a committee to assess the damages and benefits to the land. Upon this application being made the clerk shall cause to be summoned three disinterested freeholders of Wayne County who shall go upon the lands and view the same and assess the damages and benefits thereto. In assessing the same the committee shall take into consideration both the general and special benefits accruing to said land from the construction, change or repair of the highway, and shall offset said benefits against such damages, if any as they may find the owner or owners of the land to have sustained. Either party may appeal to the Superior Court from the assessment of damages and benefits and upon such appeal the matter shall be heard by the court and jury de novo. In such suit no costs shall be awarded against the highway commission unless the recovery is more favorable to the highway commission than the amount originally offered by said highway commission; and upon appeal from the award of any committee no costs of said appeal shall be awarded against the said highway commission unless the recovery on said appeal is more favorable to the highway commission than the award of the committee. No suit shall be brought by any landowner under the provision of this section unless the same is commenced within six months after the construction, change, or repair of the highway complained of."

Amendment.

SEC. 7. That section twenty of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended to read as follows: "That the highway commission shall have authority to discontinue any road or bridge in Wayne County, when it deems said road or bridge unnecessary and shall have authority when it deems it advisable to convert public roads into cartways. If any person who owns or is in possession of any land to which there is leading no convenient public road shall by petition to the highway commission make it appear that it is necessary, rea-

sonable and just that such person should have a private way to a convenient public road over the lands of other persons and shall further make it appear by said petition that the adverse parties have had ten days notice of his intention to ask for a cartway, the highway commission shall hear the allegations of the petitioner and the objections of the adverse parties, and, if sufficient reason be shown, shall petition the clerk of the Superior Court of Wayne County to summon a jury to lay off said cartway. Upon such petition being filed with him, said clerk shall order the sheriff to summon a committee of three freeholders who shall view the premises, lay off a cartway not less than fourteen feet wide, and assess the damages which may be sustained by the owners of the land over which said cartway is constructed. Said damages, with the expense of constructing the way, shall be paid by the petitioner for the use of the landowners and of the highway commission respectively before said cartway is constructed. The petitioner or the adverse parties may appeal to the Superior Court from either the order of the highway commission or the assessment of said committee; and upon such appeal the issues of fact shall be tried by jury."

SEC. 8. That section twenty-three of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended by inserting between the word "Public," in line three, and the word "ditches," in line four of said section, the word "road."

Amendment.

SEC. 9. That section twenty-four of chapter one hundred ninety-four of the Public-Local Laws of the special session of one thousand nine hundred twenty-one be amended at the beginning thereof the following: "That no lumber, logs, cordwood, or other material shall be placed upon the roadway or shoulders of the county highways, and no material shall be placed on such highways in such manner as will interfere with the drainage or maintenance thereof. No person shall use any part of the roadway of a county highway as a turn row and no person shall plow within the right-of-way of such highway. No material of any kind shall be placed in the ditches paralleling the highways in such manner as will interfere with the ditches thereof; and no person shall divert or cause to be diverted into the road ditches any water that will damage the county highways or will interfere with the drainage thereof. No person shall place or maintain any rural mail boxes in such manner as will interfere with the traffic or the maintenance of the county highways. No person shall operate or cause to be operated on any county highway any vehicle of any kind when the weight of said vehicle together with the weight of its load shall exceed five tons, without special permission in writing from the highway commission of the

Amendment.

county. Any person who shall violate or fail to comply with any of the preceding provisions of this section shall be guilty of a misdemeanor, punishable by a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty days."

Conflicting laws repealed.

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 force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 525

AN ACT TO PROTECT GAME IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Taking.

SECTION 1. It shall be unlawful to take the game birds, game animals, fur-bearing animals and migratory game birds named in the following table between the dates set opposite the name of each individual species, both dates being inclusive; and the word "take" shall include pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting birds or animals, collecting birds' nests or eggs, and all lesser acts, such as disturbing or annoying birds or animals or placing or using any net or other device for the purpose of taking birds or animals, whether or not they result in taking such birds or animals:

Names of species and closed seasons.

<i>Name of species</i>	<i>Closed season</i>
Squirrel.....	January fifteenth to September first.
Rabbit.....	February fifteenth to November fifteenth.
Deer.....	January fifteenth to October first.
Raccoon.....	January thirty-first to October first.
Opossum.....	January thirty-first to October first.
Muskrat.....	March thirty-first to December first.
Gray and red fox.....	January thirty-first to September first.
Quail.....	February fifteenth to last Thursday in November.
Wild turkey.....	February fifteenth to last Thursday in November.
Pheasants.....	February fifteenth to last Thursday in November.
Ducks.....	January thirty-first to November first.
Plover and yellow-legs...	February fifteenth to last Thursday in November.
Woodcock.....	February fifteenth to last Thursday in November.
Dove.....	February fifteenth to last Thursday in November.

SEC. 2. It shall be unlawful to take, in the period of time set opposite each individual name of species in the following table, a greater number of each species of bird or animal than is enumerated in the column of the said table headed "Bag limit."

<i>Name of species</i>	<i>Period of Time</i>	<i>Bag limit</i>
Squirrel.....	In one day.....	Ten
Rabbit.....		
Deer.....	In one day.....	Two
Deer.....	In one season.....	Four
Quail.....	In one day.....	Fifteen
Wild turkey.....	In one day.....	Two
Wild turkey.....	In one season.....	Eight
Pheasants of all kinds.....	In one day.....	Ten
Ducks of all kinds.....	In one day.....	Twenty-five
Any other species of game birds on which a closed season is named in this act.....	In one day.....	Twenty-five

Bag limits.

SEC. 3. No person shall take any squirrel at any time in any public park; that rabbits and squirrels lawfully taken may be sold and bought during the open season and may be possessed for the first five days next succeeding the close of such season; that rabbits may be trapped or hunted without gun at any time; that all animals other than game and fur-bearing animals on which a closed season is declared herein may be taken in any number at any time; that one female deer shall be lawfully included in the season's bag limit of four deer of all kinds; that birds and animals committing depredations may be taken at any time while committing or about to commit such depredations, that the skins of fur-bearing animals lawfully taken may be bought, sold, possessed and transported at any time; that it shall be unlawful to sell, or offer for sale any quail or other game birds.

No squirrels in public park, etc.

SEC. 4. English sparrows, great horned owl, Cooper's hawk, sharp shinned hawk, crows, jays, blackbirds, and buzzards, and their nests and eggs may be taken, possessed, bought, sold and transported at any time and in any manner, but such birds may not be killed by the use of poison.

Taking of sparrows, etc.

SEC. 5. That any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be subject to a fine of not exceeding fifty dollars or imprisonment not exceeding thirty days.

Violation misdemeanor; penalty.

SEC. 6. This act shall apply to Alamance County only.

Application of act.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 526

AN ACT REGULATING DOGS IN HICKORY MOUNTAIN TOWNSHIP OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Muzzles for dogs.

SECTION 1. That the owner of a dog shall not allow such dog to run at large at any time during the period from April first to September first unless such dog be muzzled.

Violation misdemeanor; penalty.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days.

Application of act.

SEC. 3. That this act shall apply only to Hickory Mountain Township of Chatham County.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 527

AN ACT TO MAKE CHAPTER 606, PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF 1917, AND AMENDMENTS THERETO, APPLICABLE TO POLK COUNTY, BEING AN ACT TO PROVIDE THE AUSTRALIAN BALLOT.

The General Assembly of North Carolina do enact:

Act made applicable to Polk County.

SECTION 1. That chapter six hundred and six, Public-Local Laws of North Carolina, session one thousand nine hundred and seventeen, entitled "An act to provide the Australian Ballot" and acts amendatory thereof, be and the same is hereby made applicable to Polk County, and that all elections held in said county after the ratification of this act shall be held under the provisions of the laws herein specified.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed in so far and no further as the same are applicable to Polk County.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 528

AN ACT TO REPEAL CHAPTER 131, PUBLIC-LOCAL LAWS, EXTRA SESSION, 1924, AND SECTIONS 1 TO 7 INCLUSIVE OF CHAPTER 540, PUBLIC-LOCAL LAWS, 1923, RELATING TO THE PROTECTION OF GAME IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-one of the Public-Local Laws, extra session, one thousand nine hundred and twenty-four, and sections one to seven inclusive of chapter five hundred and forty of the Public-Local Laws of one thousand nine hundred and twenty-three, be and the same are hereby repealed. Chapter repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 529

AN ACT TO PROTECT GAME IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. O. Savage, J. R. Marshburn and A. T. Bland of Pender County are hereby appointed and shall constitute the game commission of Pender County to serve for a term of two years and shall be charged with the duties of enforcing faithfully and impartially the game laws of Pender County and it shall be a part of their duty to stop, pursuant to law, the sale of deer, squirrel, quail or wild turkey in Pender County. It shall be the duty of said game commission to appoint a game warden for Pender County and such number of township game wardens for Pender County as it may deem necessary and at such compensation as it may fix. The game wardens so appointed shall be paid from the license fees collected from nonresident hunters in Pender County as provided by law: *Provided*, that in the event that one of the game commissioners herein provided fails to serve, then the remaining two members shall appoint a third commissioner; but in the event that more than one of the Game commission appointed.
Compensation. Proviso.

game commissioners fail to serve, then in that event the vacancies shall be filled by appointment by the board of county commissioners of Pender County.

Open seasons.

SEC. 2. The open season during which it shall be lawful to hunt game in Pender County shall be as follows: For deer, October first to January first, for squirrel, October first to January first, and it shall not be lawful to take or kill more than sixteen quail in any one day or more than six squirrels in any one day or more than one wild turkey in any one day or more than one deer in any one day; for quail, November fifteenth to February fifteenth; for wild turkey, November fifteenth to January fifteenth.

Rules for hunting.

SEC. 3. Said game commission established in section one of this act shall have authority to make and prescribe rules and regulations for the catching of game and fur-bearing animals with traps, and to prevent the use of traps in their direction.

Unlawful.

SEC. 4. That it shall be unlawful for any person to shoot, kill or hunt or trap any game protected by law in Pender County during the closed season. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall for each offense be fined not more than fifty dollars nor less than twenty dollars or be imprisoned not more than thirty days nor less than twenty days.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 530

AN ACT TO RETAIN A PORTION OF DAVIDSON TOWNSHIP, IREDELL COUNTY, UNDER THE JURISDICTION OF THE MOORESVILLE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Portion township retained.

SECTION 1. That all that portion of Davidson Township, Iredell County, south of Coddle Creek Township and south and east of the road running about west from Mooresville and known as the Mayhew Road to the point where said road touches the Mecklenburg County line be and the same is hereby included in the jurisdiction of the Mooresville recorder's court and all the balance of Davidson Township is hereby removed from the jurisdiction of the said Mooresville recorder's court.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 531

AN ACT TO PROVIDE FOR THE ELECTION OF 5 COMMITTEEMEN FOR TROY TOWNSHIP CONSOLIDATED SCHOOL DISTRICT IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next municipal election to be held on the first Tuesday after the first Monday in May, nineteen hundred twenty-five, in the town of Troy, Montgomery County, and biennially thereafter, there shall be elected by the qualified voters of Troy Township consolidated school district five members of said school district for the school committee, who shall be qualified electors of said district, and who shall serve in lieu of all other committeemen for a term of four years thereafter or until their successors are elected and qualified. If any vacancy should occur on said school committee, either by resignation, death or otherwise, such vacancy shall be filled by said committee. Election committeemen.

SEC. 2. That for the purposes specified in section one of this act Troy Township consolidated school district shall consist of all that territory described as follows: "All that territory bounded by a line beginning on the Troy Township line at the intersection of the Troy and Wadeville school district lines, thence with the Wadeville school district line to the intersection of the Troy and Wadeville school district lines on another point of the Troy Township line, thence with the Troy Township line to the beginning, including all of Troy Township not included in the Wadeville School District." Troy Township consolidated school district.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 532

AN ACT TO AUTHORIZE THE ROAD AND BRIDGE AUTHORITIES OF STANLY AND UNION COUNTIES TO CONSTRUCT A BRIDGE ACROSS ROCKY RIVER.

The General Assembly of North Carolina do enact:

SECTION 1. That the authorities of Stanly and Union counties, by whatever name called, having control of the public roads and bridges of said counties respectively, and the expenditures of funds therefor, are hereby authorized and if they, in their discretion, deem it wise may build and construct a durable bridge across Rocky River, dividing line of said counties, to cost not more than twenty-five thousand dollars (\$25,000), and the cost, maintenance and upkeep of said bridge, shall be paid by each county in proportion to the taxable property of each.

SEC. 2. That said bridge, if built as herein provided, shall be located not over one mile distant from the Little Ford near the Sikes Old Mill.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 533

AN ACT TO PROVIDE IN OPEN SEASON FOR THE HUNTING OF FOXES IN CLEVELAND AND RUTHERFORD COUNTIES AND TO PROVIDE FOR THE ISSUANCE OF HUNTER'S LICENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be no closed season for hunting foxes in the counties of Cleveland and Rutherford.

SEC. 2. That no person who is not a resident of either Cleveland or Rutherford counties shall hunt foxes in said counties without first applying to the clerk of the Superior Court of either said counties for a license to hunt foxes in said counties, and upon the payment of twenty-five dollars by the said applicant the said clerk shall issue a license to hunt foxes in the said counties for one day only; and the proceeds collected for the issuance of licenses to hunt foxes shall be placed to the credit of the school funds in the respective counties.

SEC. 3. All persons violating the provisions of this act shall be guilty of a misdemeanor and fined fifty dollars.

Bridge
authorities
authorized
build bridge.

Location
of bridge.

No closed
season.

License.

Violation
misdemeanor;
penalty.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 534

AN ACT TO AMEND CHAPTER 215, PUBLIC-LOCAL LAWS, SESSION OF 1921, RELATING TO THE PROTECTION OF GAME AND FISH IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifteen, Public-Local Laws, session, one thousand nine hundred and twenty-one, be and the same is hereby amended as follows: By striking out the word "September," in line four, section one and inserting in lieu thereof the word "November," and by striking out the period at the end of section two and inserting in lieu thereof a comma, and by adding the following thereto: "It shall be unlawful for any person to fish with net or seine in any stream, creek or branch in Alleghany County, except for the purpose of catching brood stock for any fish hatchery operated by the State.

Amendment.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 535

AN ACT TO AMEND CHAPTER 433 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1923, APPLYING TO THE COUNTIES OF YANCEY, MITCHELL AND HAYWOOD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred thirty-three of the Public-Local Laws, session, one thousand nine hundred and twenty-three, be and the same is hereby amended by inserting after the word "Mitchell," in line two, the words "Burke, McDowell."

Amendment.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 536

AN ACT TO FROHIBIT THE ISSUANCE OF BONDS BY THE COMMISSIONERS OF LENOIR COUNTY WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Bond issue
only on vote.

SECTION 1. That the commissioners of Lenoir County may issue bonds only after the vote of the people authorizing same: *Provided*, this act shall not apply to the present indebtedness of said county, nor in case of an emergency.

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 537

AN ACT TO AMEND CHAPTER 154, PUBLIC-LOCAL LAWS OF 1923, RELATING TO COMPENSATION OF THE SHERIFF OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred and fifty-four of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by adding at the end of section one the following: "*Provided*, that the board of county commissioners or the board of county managers may, in their discretion, excuse the sheriff from making itemized statements of fees received by him for serving process and other court papers and charge him in lieu thereof the sum of two hundred dollars, or more if they find it necessary, per annum to be deducted from his salary."

Surplus of fees.

SEC. 2. That any surplus of fees or commissions for services of sheriff, after his salary, which is allowed him by the county commissioners, is paid, shall be paid over to the county treasurer, to be divided in the same proportions as it was collected for schools and other purposes.

Conflicting
laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 538

AN ACT TO AMEND CHAPTER 142, PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1924, RELATING TO HUNTING IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and forty-two of the Public-Local Laws of the extra session of nineteen hundred and twenty-four be amended by striking out, in lines four and five of said section, the words "fifteenth day of March and the first day of October" and inserting in lieu thereof the words "first day of March and the first day of September."

Amendment.

SEC. 2. That section five of chapter one hundred and forty-two of the Public-Local Laws of the extra session of nineteen hundred and twenty-four be amended by striking out the words and figures "ten dollars (\$10)" wherever the same appears in said section and inserting in lieu thereof the words and figures "twenty-five dollars (\$25)."

Amendment.

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 539

AN ACT TO PROTECT GAME IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the close season for hunting squirrel and wild turkey in Sampson County shall be from the first day of March to the first day of October.

Closed season.

SEC. 2. That it shall be unlawful for any person to shoot, kill, hunt, or trap any game mentioned in section one of this act during the close season as therein designated. Any person violating the provisions of this act shall be guilty of a misdemeanor, and shall, for each offense, be fined not more than fifty dollars or imprisoned not more than thirty days.

Protection of game.

SEC. 3. That chapter five hundred and twenty-one of the Private Laws of the regular session of the General Assembly one thousand nine hundred and twenty-three, in so far as it relates to the hunting of squirrel and wild turkey in Sampson County,

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 540

AN ACT TO PROTECT GAME IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Protection
of game.

SECTION 1. That it shall be unlawful for any person or persons to shoot or otherwise kill any doe or faun in Hertford County for a period of five years but may be permitted to kill deer with horns during the season now provided by law.

Close season.

SEC. 2. That it shall be unlawful for any person or persons to set any traps in Hertford County for the purpose of catching any fur-bearing animals unless they are set more than four feet from the ground. No trap of any kind shall be set between the first day of February and the first day of December each year and must be set in the open season as herein provided.

Game wardens.

SEC. 3. That the county commissioners of Hertford County are hereby empowered to appoint game wardens for the various townships in said county, said game wardens to receive as compensation for their services the sum of ten dollars for each arrest and conviction under this act, the same to be charged against the person or persons convicted as the part of the cost in the prosecution and no part of said wardens services or expenses shall be chargeable to the county.

Violation
misdemeanor;
penalty.

SEC. 4. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 541

AN ACT TO PROVIDE RURAL POLICE FOR THE COUNTY OF HOKE, AND PROVIDE FOR CONTROL OF SAME.

The General Assembly of North Carolina do enact:

Rural police.

SECTION 1. The board of county commissioners of the county of Hoke are hereby empowered and authorized to elect a rural

policeman, or policemen, as they may deem wise and necessary, and they are further empowered to fix and agree upon the compensation for the services of said policeman or policemen, and is further provided that the board of county commissioners shall require and accept a good and sufficient bond of said policeman or policemen, and to define and regulate his or their duties.

SEC. 2. The board of county commissioners may in their discretion or for a cause terminate the term of office of any and all rural policeman or policemen provided for in this act.

Termination
of office.

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

Conflicting
laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 542

AN ACT TO FIX THE FEES OF CERTAIN OFFICERS OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff shall receive the sum of forty-three hundred dollars (\$4,300) per year, said sum to include the salary and all clerical help of the sheriff; that the clerk of the Superior Court shall receive the sum of twenty-five hundred dollars (\$2,500) per year, said sum to include the salary and clerical help of said office, except said office shall be allowed an additional fifteen dollars (\$15) per week for each week of court; that the register of deeds shall receive the sum of thirty-two hundred dollars (\$3,200) per year, said sum to include the salary and all clerical help of said office; except the board of county commissioners shall allow such sums as they see fit for the making of the tax books.

Fees of county
officers
regulated.

SEC. 2. That the service fees now allowed the above officers shall remain in force and effect.

In force and
effect.

SEC. 3. That this act shall apply to Chatham County only.

Application
of act.

SEC. 4. That this act shall be in force and effect from January first, one thousand nine hundred and twenty-five.

Date of
effect.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 543

AN ACT TO AMEND CHAPTER 168 OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION, 1921, IN REGARD TO THE PROTECTION AND CONSERVATION OF GAME IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. Amend chapter one hundred and sixty-eight of the Public-Local Laws, extra session, one thousand nine hundred and twenty-one, by adding at the end of section one the following:

“(d) They may prescribe the kind and number of blinds to be used and where they shall be placed when being used for hunting wild fowl.”

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

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 544

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MADISON COUNTY TO AID IN ROAD CONSTRUCTION.

The General Assembly of North Carolina do enact:

Aid in road construction.

SECTION 1. That in the event Haywood County shall build a road to the Madison County line in number thirteen township, and in the event that Coker County shall build a road from Tennessee to the Madison County line in number thirteen township, as agreed by representatives of Madison, Haywood and Coker counties, then and in that event the commissioners of Madison County are hereby authorized to spend an amount not in excess of four thousand dollars to build the link of road through number thirteen township connecting Haywood and Coker counties.

Use of funds.

SEC. 2. That any funds, not exceeding four thousand dollars, available to the county commissioners of Madison County for road construction and not specifically allocated by previous statute may be used to carry out the provisions of this act.

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 545

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF BURKE COUNTY, IN THEIR DISCRETION, TO ORDER A REVALUATION OF PROPERTY FOR TAXATION IN 1925.

Whereas, the board of commissioners of Burke County failed to provide for a revaluation of real property during the year one thousand nine hundred and twenty-three as authorized by chapter twelve, Public Laws of one thousand nine hundred and twenty-three; and

Preamble.

Whereas, the real estate in said county has not been valued for purposes of taxation since the year one thousand nine hundred and nineteen, and there have been many changes in real estate values since that date; and

Whereas, in the year one thousand nine hundred and twenty-one the then board of commissioners of said county made a horizontal reduction of one-third in the valuation placed upon real estate in said county in the year one thousand nine hundred and nineteen; and

Whereas, in the opinion of the present board of commissioners of Burke County a large amount of the real estate in said county is not now valued for taxation at its real value in money, and there are many gross inequalities in valuation which can only be remedied by an entire revaluation of real estate in said county: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Burke County are hereby authorized and empowered in their discretion, during the year one thousand nine hundred and twenty-five, to cause a revaluation and assessment to be made of all of the real estate and personal property in Burke County liable for taxation, in the manner provided in chapter twelve, Public Laws of one thousand nine hundred and twenty-three, and to levy taxes thereon based upon such revaluation and assessment, as well as upon all personal property, franchises, trades, professions and other rights and privileges now liable for county tax, until the quadrennial assessment of real property in the year one thousand nine hundred and twenty-seven, as now provided by law: *Provided, however,* that nothing contained in this act shall be construed to make it the mandatory duty of said board of commissioners to order or have such reassessment or revaluation, but on the contrary the provisions hereof shall be construed as merely conferring upon and vesting in said board of

Revaluation and assessment of real estate.

Proviso.

commissioners the discretionary power to order and have the same.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 546

AN ACT TO PROTECT GAME AND DOMESTIC FOWLS IN CASWELL COUNTY.

Preamble.

Whereas, it is necessary, in order to protect game and domestic fowls in Caswell County, that some law be passed regulating the time in which dogs may run at large: Now, therefore,

The General Assembly of North Carolina do enact:

Muzzles for dogs.

SECTION 1. That all dogs in Caswell County shall be confined or muzzled during the months of May, June, July, and August of each and every year.

Violation and penalty.

SEC. 2. That any owner or owners of dogs who permit their dogs to run at large shall be guilty of a misdemeanor and fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

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 force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 547

AN ACT TO ESTABLISH A BOARD OF HEALTH FOR LEAKSVILLE TOWNSHIP, ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Board of health created.

SECTION 1. That there is hereby created a board of health for Leaksville Township, Rockingham County, North Carolina, to be known as the Leaksville Township board of health, which board shall consist of five (5) citizens of said township.

Appointment of members.

SEC. 2. The members of said board of health shall be appointed by the county board of health of Rockingham County

immediately upon the ratification of this act, and shall hold office until the first Monday in January, one thousand nine hundred and twenty-seven, or until their successors are elected and qualified. On the first Monday in January, one thousand nine hundred and twenty-seven, and biennially thereafter on the first Monday in January, the board of health of Rockingham County shall appoint five members to serve as the Leaksville Township board of health, who shall hold office for a term of two years or until their successors are elected and qualified. If a vacancy shall occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of health of Rockingham County to fill such vacancy.

SEC. 3. That the said board, as soon as practicable after their appointment, shall meet and elect from their number a chairman and secretary and treasurer, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county health officer and to the State Health Officer.

Record of
proceedings.

SEC. 4. That the said board, in the interest of and for the protection of the health of the people of Leaksville Township, shall have power and authority as follows:

Power and
authority of
board.

(a) All the power and authority now conferred by law upon the board of health of Rockingham County said power and authority to be exercised in Leaksville Township only.

(b) To supervise and regulate the sale of oysters, fish and all other meats and all perishable foods, milk and other dairy products, and all other food for human consumption, to have inspection by an inspector or inspectors to be appointed by said board of all meats, oysters, fish and other food for human consumption offered for sale or in the possession of any person, firm or corporation for purposes of sale in Leaksville Township, and provide for inspection of all vehicles, houses or other places where such food for human consumption may be kept, moved or handled, and to condemn such places as may not be sanitary and proper for such meats, and other food for human consumption to be kept or handled in, and to pass and make all ordinances, rules and regulations governing the sale and handling of food for human consumption as may be proper and necessary to carry out the powers herein granted and to protect the health of the people of Leaksville Township.

(c) Powers to fix and collect fees for inspection of all animals before and after slaughter, which are slaughtered or desired to be slaughtered for disposition and delivery for human consumption in said Leaksville Township, as well as for the inspection of all other foods for human consumption offered for

sale or in the possession of any person, firm or corporation for the purpose of sale.

(d) To provide penalties and punishment for violation of regulations.

(e) Power to condemn and destroy all food or meats offered for sale or in the possession of any person, firm or corporation for the purpose of sale for human consumption in Leaksville Township which is unfit for human food.

(f) Power and authority to appoint, employ and pay an inspector to inspect meats, oysters, fish and all other foods and dairy products offered for sale, whose duties it shall be to carry out ordinances, rules and regulations adopted by the board.

(g) Power to make any and all ordinances, rules and regulations to carry out the powers herein granted and do any and all things necessary to carry out the powers herein granted.

(h) Power to accept donations from any person, firm or corporation or municipality for the purpose of defraying expenses that may be incurred by said board in the carrying out of the duties and powers herein conferred. Authority is hereby given municipalities to make contribution out of its public treasury to assist in defraying expenses so incurred by said board.

Rules to be published.

SEC. 5. That the board shall publish all rules and regulations in a newspaper published in Leaksville Township, for at least two successive weeks before any ordinance becomes effective, and if there is no such newspaper, by posting in at least five public places in said township.

Aggrievances.

SEC. 6. That any person firm or corporation aggrieved at any ordinance, rule or regulation that may be passed by said board may appeal to the board of health of Rockingham County.

Appeal.

Any person desiring to appeal from any rule, regulation or ordinance passed by said Leaksville Township board of health, shall notify in writing the secretary or chairman of said board of health. Upon such notice being given, the secretary of said board of health shall immediately notify the chairman or the secretary of the board of health of Rockingham County and the said secretary or chairman of the board of health of Rockingham County so notified shall immediately call a meeting of the board of health of Rockingham County to hear and pass upon such appeal, said meeting to be called not later than ten days from the day said secretary or chairman receives the notice of said appeal: *Provided*, that the said rule, regulation or ordinance appealed from shall not be suspended during the pendency of said appeal: *Provided*, said appeal is heard and determined within thirty days from the time the secretary of the said Leaksville Township board of health is notified of an appeal as herein provided. If said appeal is not heard and de-

terminated by the board of health of Rockingham County within thirty days from the time the secretary of the Leaksville Township board of health is notified as herein provided, then said ordinance, rule or regulation appealed from shall be suspended until said board of health of Rockingham County hears and determines such appeal, unless the hearings and determination of the appeal is delayed at the request of the party appealing, in that event, said ordinance, rule or regulation appealed from shall not be suspended until the same is heard and determined by the board of health of Rockingham County: *Provided further*, that if such appeal be from ordinance, rule or regulation, the building or altering of any building that may be used in the keeping or handling of any food as herein set out in said ordinance, rule or regulation shall be suspended until such appeal is heard and determined by the board of health of Rockingham County. The board of health of Rockingham County upon an appeal as herein allowed, shall hear and determine same and may declare void, valid or alter or amend any such ordinance, rule or regulation appealed from and submitted to said county board for determination. The determination and decision rendered by the board of health of Rockingham County shall be binding on the board of health of Leaksville Township, and the person appealing and all other persons, firm or corporation in Leaksville Township or doing business in Leaksville Township.

Proviso.

SEC. 7. That said board shall serve without compensation.

No compensation.

SEC. 8. That any person, firm or corporation violating any rule or regulation or order of an inspector in pursuance of authority given him by said board, or who shall willfully obstruct said inspector in the discharge of his duties, shall be guilty of a misdemeanor and punishable by fine or imprisonment within the discretion of the court.

Misdemeanor and penalty.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 548

AN ACT TO PREVENT THE BUYING OF SEED COTTON IN NASH COUNTY AND THE COUNTIES ADJACENT THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation, except the landlord, or by his written consent, on whose land the cotton is made, to buy, sell, deliver, or receive

Buying of seed cotton prevented.

for a price or for any reward whatever any cotton in the seed where the quantity is less than that which is usually baled before January fifteenth of the following year in which the cotton is made.

Violation
misdemeanor.

SEC. 2. That any persons violating the provisions of this act shall be guilty of a misdemeanor.

Application
of act.

SEC. 3. That this act shall apply to the counties of Nash and Edgecombe.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 549

AN ACT TO AMEND S. B. No. 933, H. B. No. 1428, PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY AND RATIFIED MARCH 6, 1925, ENTITLED AN ACT TO INCORPORATE, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS THEREOF, THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL SPECIAL SCHOOL TAX.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That Senate bill number nine hundred thirty-three, House bill number one thousand four hundred and twenty-eight, passed at the session of the General Assembly of nineteen hundred and twenty-five and ratified March sixth, one thousand nine hundred and twenty-five, the same being "An act to incorporate, subject to the approval of the qualified voters thereof, the Leaksville Township public school district; to authorize the board of trustees of said district to issue bonds; and to levy an additional special school tax," be and the same is hereby amended as follows:

(a) By striking out section sixteen thereof.

(b) By renumbering section seventeen thereof so that the same shall read as follows:

"Section Sixteen. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed."

(c) By striking out section eighteen and inserting the following in lieu thereof:

"Section Seventeen. That this act shall be in force and effect from and after July first, one thousand nine hundred and twenty-five."

Conflicting
laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 550

AN ACT TO AMEND SECTION 10, CHAPTER 102, OF THE PUBLIC-LOCAL LAWS OF 1919, AS AMENDED BY SECTION 2, CHAPTER 202 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE SALARY OF THE DEPUTY SHERIFF FOR OXFORD TOWNSHIP, GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ten, chapter one hundred and two, of the Public-Local Laws of one thousand nine hundred and nineteen as amended by section two, chapter two hundred and two, of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the word "twelve," in line three of said section two, chapter two hundred and two, of the Public-Local Laws of one thousand nine hundred and twenty-one, and inserting in lieu of the word so stricken out the word, "eighteen."

Amendment.

SEC. 2. That in addition to his other duties said deputy sheriff for Oxford Township, Granville County, shall assist the county auditor in the preparation of the tax books of Granville County: *Provided* the increase in salary hereinbefore authorized shall be approved as hereinafter provided.

Additional duties.

SEC. 3. That the salary of said deputy sheriff for Oxford Township, Granville County, shall remain at twelve hundred dollars (\$1200) per year until this act shall have been approved by the board of county commissioners of Granville County, and upon an order to that effect by said board, said deputy sheriff for Oxford Township, Granville County, shall perform the duties and receive the salary herein provided for.

Compensation.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 551

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF MARTIN TO PLACE CERTAIN OFFICERS ON SALARIES.

The General Assembly of North Carolina do enact:

Transfer
of fees.

SECTION 1. That the sheriff, clerk of the Superior Court and register of deeds of the county of Martin, and their respective deputies shall collect and receive and account for all the fees, commissions, emoluments, and other compensation for their services to which they are entitled by virtue of their respective offices, and pay same on the first Monday of every calendar month, or within three days thereafter, into the treasury of Martin County, and they shall be responsible for and chargeable with all the moneys of every kind which are to be, or by law should be, paid into the respective offices, and shall be held to strict account therefor.

Compensation.

SEC. 2. That said officers shall faithfully collect all fees, commissions, profits, and emoluments of all kinds now belonging or appertaining to, or which may hereafter by any law belong or appertain to their respective offices, and they shall receive as compensation for their services only such salaries and compensation as is hereinafter provided; and for any abstraction, concealment or misapplication of any kind of the moneys payable into their respective offices 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 thereof shall forfeit their said office or offices and be punished as is now provided by law, as in cases of embezzlement by public officers.

Books.

SEC. 3. That each and all of said officers shall open and keep a separate set of books in which shall be promptly, correctly, truly, and accurately entered itemized accounts of all moneys collected or receivable by said officers, or which by law, are or may be, payable into their respective offices, and all the said books shall at all times be open to the inspection of the public upon demand, and said books shall be safely and securely kept so as to prevent loss or destruction by theft fire or accident.

Transcript.

SEC. 4. That on the first Monday of each and every calendar month a true and accurate transcript shall be transmitted by each of the officers of Martin County to the board of commissioners of said county, said transcript to contain and show in detail all of the entries made upon said books during the preceding calendar month which shall be sworn to and duly verified by the officer whose duty it is to make said entries and keep the

books and accounts pertaining to his respective office. The various deputies or clerks shall make their reports to their respective officers as herein provided, and said reports shall form a part of the report of the officer whose deputy or clerk he is.

SEC. 5. The said books shall be open and kept in a manner to be prescribed and authorized by the board of commissioners of Martin County who shall have constant supervision of the same.

Open books.

SEC. 6. That any officer failing to keep said books and make his report as provided for in this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Failure to keep books.

SEC. 7. That the sheriff of Martin County shall receive a salary of not less than six thousand dollars (\$6,000), nor more than seven thousand dollars (\$7,000) per annum, as full compensation for his service and the services of such assistants, deputies and clerks as he may appoint and jailer. The sheriff shall receive no other compensation whatever, except such fees as are now or may hereafter be allowed by law to the sheriffs for the seizure and destruction of illicit stills, and for actual necessary expenses for conveying prisoners to jail in counties other than their own, and to the State's Prison, and insane persons to the State Hospital. It is expressly provided by the terms of this act to be the duty of the sheriff to furnish the necessary court attendants in the Superior Court and in the recorder's court of Martin County, and convey all prisoners to the place of their imprisonment in Martin County without extra compensation, but where it is necessary to bring prisoners on the train to the county jail, the board of commissioners shall pay the actual railroad fare of the deputy and prisoner. The sheriff shall pay over to the county treasurer all fees, mileage, and other allowances paid to him by the State of North Carolina or by any State institution for performing any duty required of him by law.

Salary of sheriff.

SEC. 8. That the clerk of the Superior Court of Martin County shall receive a salary of not less than three thousand dollars (\$3,000), nor more than four thousand five hundred dollars (\$4,500) per annum, for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office.

Salary clerk of court.

SEC. 9. That the register of deeds of Martin County shall receive a salary of not less than three thousand dollars (\$3,000), nor more than four thousand five hundred dollars (\$4,500) per annum, as full compensation for his services and the services of assistants, deputies and clerks, and he shall be allowed nothing

Salary register of deeds.

in addition thereto for performing the duties of his office. It shall be the duty of the register of deeds to make up the tax books of Martin County each year. The board of county commissioners may allow the register of deeds a sum not to exceed one thousand five hundred dollars (\$1,500) per annum for the payment of deputies or clerical help.

Salary
treasurer.

SEC. 10. That the treasurer of Martin County shall receive a salary of one thousand eight hundred dollars (\$1,800) per annum payable monthly for his services and the services of his assistants, deputies and clerks, and he shall be allowed nothing in addition thereto for performing the duties of his office. One-half of the said sum shall be charged against the board of education and the other half shall be borne by the board of commissioners.

Officers to
give bond.

SEC. 11. That the board of county commissioners may require the officers herein named to give the bonds required by law for their respective offices in some solvent bonding or surety company, and said board may, in its discretion, order the payment of the premiums on said bonds out of the general fund. Should the board of county commissioners decide to accept personal bonds from the officers herein named said bonds, before being accepted, shall be approved by the board and the county attorney.

Salaries to
be paid out of
general fund.

SEC. 12. That the salaries herein provided for shall be paid by the treasurer of said county out of the general fund, to all persons entitled to receive the same in monthly installments upon warrants drawn by the board of commissioners of said county and countersigned by the chairman and clerk of said board.

Application
of act.

SEC. 13. That the board of commissioners of Martin County shall decide whether or not this act shall apply to the officers of Martin County herein named. In the event of their decision to place said officers on salary in lieu of their present fee, a resolution to that effect shall be spread upon the minutes of the meeting of the board, and a fixed salary within the limits of the amounts herein designated, shall be made, and said salary, when so fixed shall not be changed during the term of office of any officer herein provided for. The board of commissioners of Martin County may pass said resolution at any regular meeting on or before the first Monday in May, one thousand nine hundred and twenty-seven: *Provided, however,* that this act shall not apply or be in effect until the first Monday in December, one thousand nine hundred and twenty-seven, as affecting the salaries to be paid to the officers herein named.

Conflicting
laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 552

AN ACT TO APPOINT AND CONSTITUTE THE SHERIFF, DEPUTY SHERIFFS AND TOWNSHIP CONSTABLES OF CAMDEN COUNTY STOCK WARDENS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff, deputy sheriffs and township constables of Camden County, and their successors in office, are hereby appointed "stock wardens" for Camden County, and as such they are hereby vested with power and authority to capture and take up or have captured and taken up, any and all stock running at large in Camden County. Stock wardens.

SEC. 2. That it shall be the duty of said officials, upon observing any stock running at large, or information to the effect that any person, firm or corporation is allowing stock to run at large, if the owner's name be known to the officials, to procure a State warrant from some justice of the peace or the recorder of said county for the arrest of such owner, and in addition to the execution of said warrant, if the owner fails or refuses to take up said stock immediately, or if the owner is unknown, the said officials shall forthwith have said stock captured and confined at some convenient place for public sale, and after advertising same at the courthouse door and three other public places in said county for a period of not less than ten days, stating in said notice the time and place of said sale, which time and place shall be in the discretion of the officials making said sale, to sell same at public sale to the highest bidder for cash; and out of the proceeds of such sale to pay all expenses and costs of taking up said stock and making said sale, including a fee of two dollars (\$2) for said warden, or if it be more than one head of cattle then two dollars (\$2) for each one taken up, and pay any surplus into the treasury of Camden County; and if the owner should come forward at any time before the day of sale and desire to redeem said stock, he may do so by payment of all expenses, costs and fees as above set out. State warrant for owner of stock.
Capture of stock.

SEC. 3. That all laws in conflict with this act are hereby repealed. Expenses.
Conflicting laws repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 553

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BEAUFORT COUNTY, NORTH CAROLINA, TO FIX THE FEES OF ALL COUNTY OFFICERS IN SAID COUNTY AND APPOINT TRAFFIC OFFICERS.

The General Assembly of North Carolina do enact:

Fees of county officers fixed.

SECTION 1. That the board of county commissioners of Beaufort County, North Carolina, shall have power to fix the fees of the sheriff, the register of deeds, clerk of the court, and other county officers in said county; said fees to be determined by the board of county commissioners; and fix the same for such amounts which in their judgment will be fair and reasonable; all of said fees to be paid over to said county in the manner prescribed by law.

Employ of traffic officers.

SEC. 2. The board of county commissioners of Beaufort County are hereby authorized and empowered to employ, in their discretion, one or more traffic officers to patrol the highways in said county; such traffic officers to have power to make arrests in all cases in which the sheriff of Beaufort County or deputy sheriffs therein are authorized to make arrests; such traffic officer shall likewise be authorized and empowered to serve any process in said county that the sheriff of said county is authorized to serve. The said board of county commissioners shall fix the compensation of said traffic officer and pay the same from the general fund of said county, and shall prescribe his duties.

Compensation.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 554

AN ACT TO AID IN THE COLLECTION OF TAXES IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

Aid in tax collection.

SECTION 1. That the board of county commissioners of Stanly County is hereby empowered to add a penalty of five per cent on all county taxes due and unpaid by the first day of May after said taxes are due and payable. Said penalty, if so added, shall be collected and paid into the general fund of the county and the sheriff or tax collector of the county shall collect same as other county taxes are collected.

SEC. 2. That this act shall apply to Stanly County only.

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

Ratified this the 9th day of March, A.D. 1925.

Application
of act.

CHAPTER 555

AN ACT TO PROTECT GAME IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following game shall be considered game birds: geese, brant, shore and surf birds, snipe, woodcock sandpipers, yellow legs, wild turkey, partridge, quail, dove and meadow lark.

SEC. 2. That it shall be unlawful for any person to catch, net, trap, shoot or kill any game bird in the county of Onslow for the purpose of shipping or transporting the same out of the county for sale, and it shall be unlawful for any person, firm or corporation to transport, or cause to be transported, or have in possession any game with the intent to transport or to secure the transportation of said game: *Provided*, that this shall not apply to the game transported from the county by any person who lawfully takes or kills the same under the provisions of this act or any other act regulating the taking of game in the county of Onslow.

SEC. 3. That it shall be unlawful for any person to hunt or shoot or otherwise take any wild game or bird on any day after the hour of sunset or before the hour of daylight, or shall use any gun for the purpose of taking game or otherwise take any game on Sunday: *Provided, however*, that it shall not be unlawful for a person to hunt wild turkey before daylight.

SEC. 4. That it shall be unlawful to make use of any aeroplane, seaplane or other air machine or an automobile for the purpose of shooting, chasing, pursuing or otherwise taking game in Onslow County and it shall be unlawful for any person to use fire or other light for the purpose of hunting or taking game.

SEC. 5. It shall be unlawful for any person to hunt on any land in Onslow County without first having the written permission of the owner of the land, which written permission shall be kept by the hunter while engaged in hunting and shall be displayed to the game warden or any person charged with the enforcement of the game laws of said county: *Provided, however*, that where any person has been accustomed to hunting upon the land of another, this section shall not be construed to prohibit said

Game birds.

Protection
of game.

Unlawful.

Unlawful use
aeroplane, etc.

Permission of
landowner.

Proviso.

person from hunting on said land until he shall have first been instructed by the owner of the land that he shall not hunt further without written permission; but in case any person shall be apprehended by any game warden or other person for hunting on any land without having obtained a written permission of the landowner, it shall be lawful to present testimony proving that said hunter has been accustomed to hunt and has not been notified by the landowner that the provisions of this section shall apply.

Close season.

SEC. 6. The close season of each year in the county of Onslow for the respective game hereinafter named shall be as follows:

Deer. Deer: January first to November first: *Provided*, that no person shall kill more than two deer during any one day or more than three during any one season.

Fur-bearing animals.

Fur-bearing animals: February first to November first: *Provided*, that it shall be unlawful at any time for any person to set a steel trap or other trap upon the land of another for the purpose of taking fur-bearing animals without the written permission of the owner of the land upon which the traps are set, and any persons setting a steel-trap or other trap shall mark upon said steel-trap or other trap his name, and it shall be lawful for any person finding steel-traps or other traps upon his own land which do not bear the mark of the persons setting the same, to take, remove or destroy the same.

Quail or partridge.

Quail or partridge: March first to October first: *Provided*, no person shall kill more than fifteen quail or partridge in any one day nor more than two hundred during any one season.

Wild turkey, etc.

Wild turkey: March first to October first: *Provided*, no person shall kill more than two in any one day nor more than five during any one season.

Dove and lark: March first to October first.

Woodcock: March first to October first.

Other game birds or game animals: The close seasons for all other game birds or game animals shall be the same as now provided by either local or general statute.

Game warden; duties, etc.

SEC. 7. The enforcement of the game laws of Onslow County shall be vested in one game warden appointed by the board of commissioners of Onslow County, who shall also appoint one assistant game warden from each township other than the township from which the chief game warden is appointed and said game wardens when appointed and qualified by taking an oath to enforce the game laws of the county of Onslow without favor, shall be under the direction and control of the chief game warden and shall be subject to such rules and regulations as shall be enacted by the game commission hereinafter constituted, and said game wardens shall receive such compensation as may be

provided by the board of county commissioners, in no case to exceed as a total compensation to all of said game wardens one-half of the revenue received from the sale of licenses under the provisions of an act of the General Assembly of the session of one thousand nine hundred and twenty-five: *Provided, further*, that the compensation, if paid out of the receipts from the sale of licenses as the same is received, it shall be paid to the game wardens under such rules and regulations as provided by the board of county commissioners or the game commission herein-after created.

SEC. 8. That the clerk of the Superior Court of Onslow County shall be ex officio chairman of the game commission of Onslow County, which shall be composed of the chief game warden of the county of Onslow and the assistant game wardens of said county, and said commission shall have authority to make rules and regulations governing the collection of license tax the payment of compensation for services rendered by game wardens in connection with the enforcement of the game laws, and such enforcement of the game laws as may require prosecution. And said game commission shall have authority to make rules and regulations providing for the payment of prosecutions for the violation of the game laws out of the game fund derived from the sale of licenses in excess of that paid to the game wardens for the enforcement of the game laws of the county: *Provided, however*, that said game commission shall not contract any debt in excess of the amount of money in its hands derived from the sale of licenses.

Clerk of court
chairman game
commission.

SEC. 9. That all moneys derived from the sale of licenses shall be deposited by the ex officio chairman of the game commission in the name of the game commission and it shall be subject to the check of the said chairman under authority of the game commission: *Provided*, that on July first of each year following the ratification of this act the game commission shall cause any sum remaining upon deposit to the credit of the game commission in excess of the amount used by it for the enforcement of the game laws to be paid into the general fund of the County of Onslow for such purposes as may be determined by the board of county commissioners, and all funds now on deposit derived from the sale of any licenses prior to the date of the ratification of this act shall immediately upon the ratification of this act be paid into the general county fund of the county of Onslow.

Deposit of
moneys from
licenses.

SEC. 10. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall not be imprisoned more than thirty days or fined more than fifty dollars, and in case of any violation of the bag limit herein

Violation
misdemeanor;
penalty.

imposed, each violation shall be sufficient for a separate conviction.

Arrest.

SEC. 11. That whenever any game warden shall find any person violating any of the provisions of this act or violating any of the laws which may be enacted for the protection of game in Onslow County, he shall immediately arrest the party so violating this act or the provisions of any other act upon a warrant issued by any justice of the peace of any county, and said justice shall try said person, and if said person is convicted shall tax in the cost the sum of five dollars, which shall be paid to the game warden making the arrest and shall be by him accounted for to the game commission, and the game commission shall have authority to consider such sums so received as a part of the compensation to be paid to said game warden for his services.

Conflicting laws repealed.

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

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 556

AN ACT TO AMEND CHAPTER 549 OF THE PUBLIC-LOCAL LAWS OF 1923, RELATING TO GAME OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. Amend section three of chapter five hundred forty-nine of the Public Local Laws of one thousand nine hundred and twenty-three, in line five, by striking out the word "ten" and inserting in lieu thereof the word "twenty."

Amendment.

SEC. 2. Amend section seven of above-mentioned chapter by adding at the end thereof the following: "Any person who shall secure the evidence in any case involving a violation of this act or any other game law of Chatham County shall receive the sum of ten dollars (\$10.00), which amount shall be assessed against the defendant as a part of the cost in case of conviction; if no conviction is procured, no fee shall be taxed."

Open season.

SEC. 2½. That the open season for fox hunting in Chatham County shall not open until the first day of December each year.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 557

AN ACT FOR THE RELIEF OF THE SHERIFF AND TAX COLLECTOR FOR YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That C. E. Moxley, sheriff and tax collector of Yadkin County, who by virtue of his office has had the tax lists for the purpose of collecting the taxes of said county, is hereby authorized and empowered to collect arrears of taxes for the years one thousand nine hundred and twenty; one thousand nine hundred and twenty-one; one thousand nine hundred and twenty-two; one thousand nine hundred and twenty-three; one thousand nine hundred and twenty-four, and his representative, bondsman, or any agent he may designate are fully authorized and empowered to collect the same under such rules and regulations as are now or may hereafter be provided for the collection of taxes.

Relief of sheriff and tax collector.

SEC. 2. That nothing herein contained shall be construed to relieve the said sheriff and tax collector, his representative or bondsman from the liability imposed by law to pay the State, county and other taxes at the time and place required by law.

No relief from liability.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 558

AN ACT TO PROTECT GAME IN LEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the open season for taking game in Lee County shall be as follows: All game birds, from November the fifteenth to January the fifteenth; squirrels from September the fifteenth to January the fifteenth; opossum from October the first to January the thirty-first; fox from November the first to March the first.

Open season.

SEC. 2. That no person shall take more than ten quail in one day nor more than two wild turkeys in one day.

Bag limit.

SEC. 3. That the board of county commissioners of Lee County are hereby constituted game protection commissioners for the county of Lee for the better protection and preservation of game in said county.

Game protection commissioners.

License.

SEC. 4. That said game commissioners shall describe the form of license for nonresident hunters, and shall furnish the clerk of the Superior Court of Lee County all licenses and other blanks required under the game laws, and shall also furnish to the clerk of the Superior Court of said county a bound book for the purpose of keeping a record of all hunters' licenses that may be issued.

Licenses for nonresidents of North Carolina.

SEC. 5. Any nonresident of the State of North Carolina who desires to hunt shoot, or trap birds or other game in any part of the said county of Lee shall make application to the clerk of the Superior Court of said county, who shall issue license to such person upon the payment of a tax of twenty dollars for the hunting season, and the clerk's fees amounting to fifty cents. The said license shall expire on the termination of the hunting season as fixed for said county, and said license shall not be transferable.

Application for license.

SEC. 6. Any nonresident of the county of Lee, but who is a resident of the State of North Carolina, who desires to hunt, shoot, or trap birds or other game in any part of said county of Lee, shall make application to the clerk of the Superior Court of said county who shall issue license to such person upon the payment of tax of ten dollars for the hunting season, and the clerk's fees amounting to fifty cents. The license shall expire on the termination of the hunting season as fixed for said county and shall not be transferable. This section shall not apply to residents of North Carolina who are bona fide land-owners in Lee County.

Transfer of funds.

SEC. 7. That the funds received from the clerk of the Superior Court shall by him be paid to the treasurer of said county for the use of the general fund. The fifty cents license fee collected by the clerk shall be for his services in issuing licenses, collecting, etc.

Violation and penalty.

SEC. 8. 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 for not more than thirty days.

Application of act.

SEC. 9. That this act shall apply only to Lee County.

Conflicting laws repealed.

SEC. 10. All laws and clauses of laws in conflict with this act are hereby repealed, it being the intent and purpose of this act to exempt the county of Lee from the provisions of the Audubon law.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 559

AN ACT TO PROVIDE FOR THE ESTABLISHMENT IN GUILFORD COUNTY OF A GAME COMMISSION AND THE OFFICE OF GAME WARDEN: TO PROVIDE FOR THE BETTER ENFORCEMENT OF THE GAME LAWS AND FOR THE BETTER PROTECTION AND CONSERVATION OF GAME IN GUILFORD COUNTY AND FOR OTHER PURPOSES HEREIN SET FORTH.

The General Assembly of North Carolina do enact:

SECTION 1. *Short title.* That this act shall be known by the short title of "The Guilford County Game Law." Name of act.

SEC. 2. *Definitions.* That for the purposes of this act the following shall be construed respectively to mean: Definitions.

Commission: Game protection commission of Guilford County. "Commission."

Person: The plural or the singular as the case demands, including individuals, associations, partnerships and corporations, unless the context otherwise requires. "Person."

Warden: The chief game warden of Guilford County. "Warden."

Resident: The plural or the singular as the case demands, including all persons who have lived in this State for at least six months immediately preceding application for license as hereinafter set out. "Resident."

Nonresident: The plural or singular as the case demands, including all persons who have not resided in the State for six months immediately preceding application for license as hereinafter set out. "Nonresident."

Take: Whenever it is made lawful to "take" birds or animals or parts thereof, or bird nests or eggs, it shall mean the pursuit, hunting, capture, or killing of birds or animals or collecting of birds' nests or eggs in the manner, at the time and by means specifically permitted. Whenever it is made unlawful to take birds or animals or parts thereof or birds' nests or eggs the word "take" shall include pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting birds or animals, collecting birds' nests or eggs and of lesser acts such as disturbing or annoying birds or animals or placing or using any net or other device for the purpose of taking birds or animals whether or not they result in taking such birds or animals. "Take."

Open season: The time during which birds or animals may be lawfully taken. The period of time designated as open season shall be construed to include the first and last days thereof. "Open season."

Close season: The time during which birds and animals may not be taken. Close season.

Appointment
of game
protection
commission.

SEC. 3. *Appointment of game protection commission.* That there shall be nominated by the Guilford County fish and game league and appointed by the board of county commissioners of Guilford County biennially a game protection commission which shall consist of three members who shall serve until their successors are appointed.

Duties and
powers.

SEC. 4. *Duties and powers of game protection commission.* The commission shall have supervision over the administration and enforcement of this act and other game laws effective in Guilford County; it may offer rewards for the arrest of persons violating the game laws; it may offer bounties for the destruction of vermin and predatory birds and animals; it may do such things and make such expenditures as are reasonably necessary to the protection conservation and propagation of game, provided the same be not contrary to the laws effective in Guilford County; it shall prescribe a form of license certificate for hunters both resident and nonresident and shall furnish to the clerk of Superior Court all license forms and blanks required under this act or other game laws effective in Guilford County; it shall also furnish to the clerk of Superior Court proper books for the purpose of keeping records as may be proper under laws or under regulations, made by the commission in accordance with law; and it shall do such other things and discharge such other officers as may be necessary for the proper administration of this act.

Appointment of
game warden.

SEC. 5. *Appointment of game warden.* The commission shall, immediately after its appointment and biennially thereafter, appoint a chief game warden who shall hold office for the term of two years and whose duties shall be the enforcement and discharge of this act and other laws effective in Guilford County relative to game and dogs.

Removal of
wardens.

SEC. 6. *Removal of wardens.* The warden may be removed from office at any time for inefficiency, neglect of office, malfeasance, or other good cause upon thirty days notice of its intention to remove being given by the commission.

Deputy game
wardens; duties.

SEC. 7. *Appointment of deputy game wardens and their duties.* The warden shall appoint such deputy wardens as the commission shall authorize. The warden and deputy wardens shall take an oath for the faithful discharge of their duty, and it shall be the duty of the warden to devote his entire time and of the deputy wardens to devote so much time as is required of them in their appointments to the enforcement of all game and dog laws of the county. To prosecute persons violating either or any part thereof, to kill dogs upon which the tax has not been paid, and to perform such other duties as may be lawfully required of them by the commission.

SEC. 8. *Compensation of the wardens.* The commission shall provide and contract for such compensation to the warden and deputy wardens as to the commission may seem right and proper: *Provided*, said compensation shall not exceed for any one year a sum total of five thousand dollars (\$5,000). The compensation hereby authorized shall be paid from the general fund of the county by warrant properly drawn on a county treasurer. Compensation.

SEC. 9. *Wardens shall have powers of sheriff.* The wardens and deputy wardens shall have all of the powers granted by law to similar officers and to sheriffs and constables and especially as given in section two thousand ninety-six (2096) of the Consolidated Statutes of one thousand nine hundred and nineteen, and shall be provided a badge or other insignia for evidencing their authority, the selection of the badge or insignia to be made by the commission, and the commission in the exercise of its discretion may provide for badge or insignia to be the same as that of deputy sheriff. Wardens to have powers of sheriff.

SEC. 10. *License required.* No person shall at any time take any wild animal or bird, except as otherwise herein provided, without first having procured license as provided by this act, which license shall authorize him to take wild animals or birds during the periods of the year when and in a manner as shall be lawful. License required.

SEC. 11. *Application for license.* The applicant for the license shall fill out a blank application furnished by the commission, stating applicant's name, address, citizenship, age, height, weight, color of eyes, color of hair, and such other facts or descriptions as may be required by the commission; said application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in this State and, the persons in this act authorized to issue licenses are also hereby authorized to administer oath to applicants for such licenses. Application for license.

SEC. 12. *Resident hunters license.* Every person who is a resident of the State of North Carolina who shall hunt in Guilford County on land other than that owned by him, his parent, guardian, wife, husband, child or ward, or leased by him as tenant or share cropper, and then only by consent of landowner, shall pay to the officer issuing license as provided in this act a fee of one dollar (\$1) and shall obtain a resident license which shall entitle him to take birds and animals as authorized by law. Resident hunters license.

SEC. 13. *Nonresident hunters license.* Every person who is a nonresident of the State of North Carolina shall pay to the officer issuing the license the sum of fifteen dollars (\$15) which shall entitle him to take birds and animals as authorized by law. Nonresident hunters license.

Expiration
of license.

SEC. 14. *Expiration of license.* All licenses issued under the authority of this act shall expire on the last day of the open season of each and every year.

Officers
authorized to
issue license.

SEC. 15. *Officers authorized to issue license.* The clerk of the Superior Court of Guilford County, the warden, deputy wardens, and members of the commission are hereby authorized to issue license certificates and tags; the fees received for license shall be remitted by the persons authorized to receive the same to the clerk of the Superior Court, who shall from time to time remit the same to the county treasurer.

Form and
contents of
the license.

SEC. 16. *Form and contents of the license certificates and tags.* The commission shall determine and provide license certificates and tags the certificate to be carried on the person of the holder of the license and the tag to be affixed to and worn on the coat of the holder of the license on the back between the shoulders and must be displayed at all times when hunting. The tag shall be of canvas, rubber, or other substantial material as the commission may select and shall bear in a conspicuous manner the name of the county, the license number, the year, and the statement whether it is a resident or nonresident license. The resident and nonresident license tags shall be of different colors.

Duty of hunters.

SEC. 17. *Duty of hunters to display certificates and tags.* It shall be the duty of any person holding a certificate of license to carry the same on his person and to display it when requested to do so by the proper authority. So failing to have the certificate of license on his person or to display the license tag as in this act provided shall constitute a prima facie case of non-compliance with the license requirements of this act and shall relieve from liability for making arrest for such noncompliance with officers charged with the administration and enforcement of this act.

Application of
moneys arising
from license
fees.

SEC. 18. *Applications of moneys arising from license fees.* The entire sum of all moneys received as license fees shall be held by the county treasurer as a part of the general fund and shall be available on proper warrant to the commission in enforcing the game laws and in the proper administration of its office; *Provided*, that the compensation authorized in section eight (8) hereof shall be paid from the moneys in the general fund first arising from hunters license fees unless such moneys be insufficient for such compensation, in which case such compensation shall be paid from moneys comprising the general fund irrespective of their source.

Close season
for quail.

SEC. 19. *Close season for quail.* It shall be unlawful to hunt or take quail or partridge between the first day of March and the first day of December of each and every year.

SEC. 20. *Hunting with gun during close season prohibited.* Hunting with gun during close season.
It shall be unlawful to hunt with gun during the close season for quail as herein limited any game birds or animals.

SEC. 21. *Bag limit for quail.* Bag limit.
It shall be unlawful for any person to take in any one day quail or partridge in a number exceeding fifteen.

SEC. 22. *Unlawful to trap.* Unlawful to trap.
It shall be unlawful for any person to net or trap quail or partridge or other game birds for any purpose whatsoever except and unless such person have the special permission of the warden for the specific netting or trapping.

SEC. 23. *Unlawful to hunt when snow is on ground.* Unlawful.
It shall be unlawful for any person to hunt or take with or without gun any game birds or animals when all exposed ground is covered with snow or ice.

SEC. 24. *Plates providing for dogs.* Plates providing for dogs.
To every person paying the tax prescribed for dogs in chapter thirty-one of the Consolidated Statutes of nineteen hundred and nineteen, there shall be issued by the sheriff a metal plate bearing the county name and a serial number and expiration date: it shall be attached by the owner of the dog to the dog's collar which must be affixed to the dog and always worn by the dog when not on the premises of the owner; the purpose of this section being to render compulsory in Guilford County section one thousand six hundred and seventy-four of chapter thirty-one of the Consolidated Statutes of nineteen hundred and nineteen as amended herein.

SEC. 25. *Warden authorized to kill or impound dogs.* Warden to kill dogs.
The warden and deputy wardens are hereby authorized to impound or kill dogs that have not plates attached to them as in this act provided.

SEC. 26. *Dogs running at large.* Dogs running at large.
Section two thousand one hundred and thirty-two of chapter thirty-eight of the Consolidated Statutes of nineteen hundred and nineteen is hereby amended and supplemented in its application to Guilford County to read as follows: to wit: "It shall be unlawful for the owner or any person having the care of any dog of any breed or pedigree to permit the same to run at large during the breeding season of quail; namely, from May the first to September the first of any year. The fact that any dog shall be ranging in the fields or woods, whether such field or woods be owned by the owner or keeper of the dog or not, shall be prima facie evidence that the owner or keeper of such dog has violated the provisions of this section and the wardens or deputy wardens and owners of land on which such dogs shall be ranging are hereby authorized to impound or kill such dogs; and the owner or keeper of such

dog upon conviction of violating this section shall suffer the penalty of this act provided."

Punishment
of violations.

SEC. 27. *Punishment of violations of provisions of this act.* Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor and fined in an amount not to exceed fifty dollars (\$50) or imprisonment for not more than thirty days.

Validating
clause.

SEC. 28. *Validating clause.* If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Conflicting
laws repealed.

SEC. 29. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 30. That this act shall become effective and in full force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 560

AN ACT TO PROTECT GAME IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Game protection.

SECTION 1. No person shall at any time take or kill any wild animal or bird in Edgecombe County hereinafter mentioned without first having procured a license as provided by this act, which license shall entitle him to hunt or trap only during the period of year herein specified. The clerk of the court of said county and the county game warden shall prepare forms and issue licenses to applicants, who if residents of the said county, shall pay therefor two dollars as a license fee and fifteen cents to said officer for issuing same, and, if nonresidents of the said county, three dollars as a license fee and fifteen cents to said officer for issuing same, and the said clerk and warden shall turn said fees over to the county treasurer to be used by the board of county commissioners of said county for wardening the county and for propagating wild animals and birds herein specified. Each license shall be void after March first next succeeding the date of issuance. No landowner or any member of his or her family shall be required to take out license to hunt on the lands of such landowner, nor shall any person living on the land of a landowner and who has written permission of such landowner, be required to take out license to hunt on the land

on which such person lives nor shall a party who leases a farm for cultivation be required to obtain license to hunt thereon.

SEC. 2. The board of county commissioners of said county shall elect on the first Monday in June, one thousand nine hundred and twenty-five and every two years thereafter, a county game warden, who shall hold office for two years, and fix his compensation to be paid out of said license fees. County game warden.

SEC. 3. It shall be unlawful to take or kill any wild animal or bird hereinafter mentioned except during the period set opposite the name of each individual species or to take or kill a greater number of each species than is enumerated opposite the name of such species. Taking.

<i>Name of species</i>	<i>Open Season</i>	<i>Bag limit in one day</i>
Squirrel.....	October first to January thirty-first.....	Ten
Quail.....	November twenty-fifth to February fifteenth	Twelve
Wild turkey.....	November twenty-fifth to February fifteenth	Two
Wild turkey....	In one season.....	Eight
Rabbit.....	November twenty-fifth to March first....	No limit

Provided, that no person shall take any squirrel at any time in any public park; and that rabbits may be trapped, or hunted without gun, at any time; and Proviso.

Provided further, said open season shall include the first and last days.

SEC. 4. It shall be the duty of the county game warden to enforce the provisions of this act and to assist the board of county commissioners in propagating wild animals and birds; and the said warden shall have power to execute all warrants issued for the violation of this act and to serve subpoenas issued for trial of any offender and to arrest without warrant any person committing a violation of this act in his presence and take such person immediately before a court having jurisdiction for trial or hearing. The sheriff deputy sheriff, and constables of said county are hereby made ex officio deputy game wardens and it shall be their duty to aid in the enforcement of this law. In addition to fees to which they may be entitled under the general law, the county game warden, sheriff, deputy sheriff or constable shall receive the sum of five dollars in a case involving a violation of this act in which he secures the evidence upon which conviction thereupon, which shall be assessed against the defendant and paid by such defendant as a part of the costs Warden given authority.

in a case of conviction; if no conviction is procured, no fee shall be taxed against the county or State.

Use of
license fees.

SEC. 5. The board of county commissioners of said county is authorized to use any part of said license fees, not required for paying the game warden, for propagation purposes, and through the county game warden shall have charge, control and management of the propagation and distribution of wild animals and birds herein mentioned and may acquire in the name of the county by gift, lease or purchase, any moneys, hunting rights, leases or other property for propagating wild animals and birds herein specified and for use in carrying out the provisions of this act.

Reduction of
license fee.

SEC. 6. The board of county commissioners of said county may reduce the resident license fee to one dollar and the non-resident license to two dollars if they deem best.

Violation and
punishment.

SEC. 7. 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 more than thirty days.

Conflicting
laws repealed.

SEC. 8. That all laws and clauses of laws in conflict herewith are hereby repealed.

Condition
of effect.

SEC. 9. This act shall not be effective until the same shall have been approved by the board of commissioners of said county.

SEC. 10. This act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 561

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LEE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING \$50,000 IN BONDS FOR A PUBLIC HOSPITAL IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Submit
to vote.

SECTION 1. That the county commissioners of Lee County are hereby authorized to submit to the qualified voters of said county at an election to be called for the purpose of the question of issuing bonds not to exceed fifty thousand dollars (\$50,000), for the purchase of a site, the construction, equipment and maintenance of a hospital in said county, which shall receive in part charity patients.

Bond issue.

Election.

SEC. 2. As soon as they may deem best after the ratification of this act, the said county commissioners are authorized to call

such election, which shall be held after thirty days (30) notice thereof in some newspaper published in Lee County. The said election shall be held in accordance with the laws and regulations prescribed for the election of members of the General Assembly, and the returns shall be canvassed and declared in like manner. An entirely new registration shall be had; and at the time of calling such election, the county commissioners shall establish polling precincts in the said county and appoint a registrar and judges of election for each precinct. At such election those favoring the issuing of bonds shall vote a ballot upon which shall be written or printed or partly written and partly printed, the words "For bonds," and those opposing shall vote a ballot upon which shall be written or printed or partly written and partly printed the words "Against bonds."

New
registration.

Ballots.

SEC. 3. If a majority of the qualified voters in said election shall vote for bonds, in that event the commissioners of Lee County are authorized to issue not more than fifty thousand dollars (\$50,000), coupon bonds of said county bearing interest at a rate not exceeding five per cent (5%) and maturing not less than twenty years nor more than thirty years from date; and after advertising, the said bonds shall be sold to the best advantage, and out of the proceeds, in such manner as they may deem best, the commissioners shall either build, equip or maintain the said hospital or do the same in conjunction with any organization or foundation, or trust or contracted with the same, as they may deem best.

Bond issue;
rate of
interest, etc.

Special tax.

SEC. 3½. The commissioners of Lee County shall, at the time of levying other taxes, levy sufficient tax to pay interest and sinking fund which shall be collected as other taxes.

SEC. 4. The said hospital shall be governed and controlled by a board of trustees consisting of six (6) persons, holding office respectively for two, four and six years, who shall be appointed by the Governor of North Carolina; *Provided, however,* that if aid is extended to the said hospital from any trust or from any organization or foundation, as many of said six (6) trustees as may be agreed upon may be appointed in behalf of said organization, trust or foundation, upon the nomination of the same, or officers thereof.

Board of
trustees.

SEC. 5. No bonds shall be issued under the provisions hereof and no expenditures made for the establishing, equipping or maintaining of said hospital, unless a satisfactory amount of money is contributed thereto by some organization, foundation or trust, and the county commissioners of Lee County in their discretion shall judge as to the requisite amounts so contributed.

Contribution by
organization,
etc.

Donations.

SEC. 6. The trustees of hospital established hereunder may receive donations from any municipality or organization to be used in connection with the establishing, equipping or maintaining of said hospital, and any town or municipality within the county of Lee is hereby empowered to make donations to the said hospital, of such denominations and amounts as they may deem proper.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 562

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY TO ISSUE BONDS TO FUND THE GENERAL COUNTY INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Bond issue authorized; rate of interest, etc.

SECTION 1. That for the purpose of funding the general county indebtedness of the county of Granville, heretofore incurred for general county purposes, in the sum of thirty-seven thousand dollars, the board of county commissioners of the county of Granville is hereby authorized and empowered to issue and sell serial bonds of the said county of Granville, bearing interest at a rate not exceeding six per centum per annum not exceeding in the aggregate thirty-seven thousand dollars. The said bonds may be either coupons or registered or partly registered and coupon, as said board of commissioners may elect, and the said board may prescribe the form and denomination of said bonds and all other matters of detail connected with the issuing and sale of said bonds. But said bonds, when issued, shall be signed by the chairman of said board of county commissioners and countersigned by the clerk of said board and attested by the official seal of said county of Granville.

Maturity; payment.

SEC. 2. That said bonds shall mature and be payable in ten equal annual installments, beginning not more than twenty years after the date of such issue and ending not more than thirty years after such date of issue. That said bonds, the interest and coupons shall be made payable at such place or places as shall be fixed by said board of commissioners. That the interest or coupons shall be payable semiannually.

Special tax.

SEC. 3. That at the time of the levying of other taxes there shall be levied by said board of commissioners and collected, as other taxes are collected each year, a special ad valorem tax upon all the taxable property of the county of Granville sufficient and

for the special purpose of paying interest on said bonds and providing a sinking fund for paying off and retiring said bonds at maturity.

SEC. 4. That none of said bonds shall be sold or disposed of for less than the par value of the same. The said board of county commissioners shall advertise the sale of said bonds or any part of any issue of same, giving time and place of such sale, to the highest bidder: *Provided*, that said board of commissioners shall have right to reject any and all bids for said bonds.

Bond sale.

SEC. 5. That the proceeds arising from the sale of said bonds or any part thereof issued under the provisions of this act shall constitute a separate and distinct fund to be applied to the purposes hereinbefore mentioned in this act, and no other. The purchaser or purchasers of the bonds issued under this act shall not be bound to see to the application of the proceeds of sale of said bonds.

Proceeds
separate fund.

SEC. 6. That this act grants powers and is in addition to the powers now held by said board of commissioners to issue bonds for necessary county purposes, and shall not be construed so as to limit any of said powers of said board.

Additional
powers.

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

Conflicting
laws repealed.

SEC. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 563

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO PROHIBIT CARNIVALS IN VANCE COUNTY, PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY, BEING H. B. NO. 1762, S. B. NO. 1483.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of said act be amended by adding at the end thereof the following: *Provided, however*, that this section shall not apply to any carnival or amusement company held under the auspices of, and in connection with any agricultural fair."

Supplemental
act.

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

Conflicting
laws repealed.

SEC. 3. That this act shall apply to Vance County only.

Application
of act.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 564

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY TO ISSUE BONDS FOR THE PURPOSE OF HARD-SURFACING THE ROADS IN SCOTLAND NECK AND ROSENEATH TOWNSHIPS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Purpose.

SECTION 1. For the purpose of constructing and hard-surfacing the public road leading from the bridge across Roanoke River at Edwards Ferry through the town of Scotland Neck, through Roseneath Township to the Edgecombe County line, said road being highway number twelve as numbered by the State Highway Commission, the board of commissioners of Halifax County is hereby authorized and empowered to issue bonds of said county in an aggregate amount not to exceed one hundred and twenty-five thousand dollars, the said board of commissioners to prescribe the form and denomination of said bonds and when the same shall become due and payable. The interest on said bonds shall not exceed the rate of six per cent per annum, and shall be payable semiannually at such time and place as the said board of commissioners shall designate.

Bond issue authorized.

Ad valorem tax.

SEC. 2. The said board of commissioners is further authorized to levy annually a special tax ad valorem on all taxable property in Scotland Neck and Roseneath townships of the said county of Halifax for the special purpose of paying principal and interest of all bonds issued under this act as such principal and interest becomes due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Vote of people.

SEC. 3. No bonds shall be issued under this act, nor any special tax levied to pay said bonds until the question of issuing said bonds shall be submitted to the voters of Scotland Neck and Roseneath townships of the said county of Halifax at an election, and a majority of the voters voting on said question shall be in favor of issuing such bonds, and the board of county commissioners of Halifax County are hereby directed to submit the question of issuing bonds under this act to the voters at a special election to be held before any such bonds are issued. The board of county commissioners shall fix the date for hold-

ing said election, shall name the registrars, and judges of the election for the voting precincts in said townships, and shall cause notice of said election to be given by publication at least once in some newspaper published in Halifax County, the first publication to be at least thirty days before such election, and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election the voters who favor the issues of said bonds and a levy of said tax shall vote a ballot on which shall be written or printed the words "For road bonds," and the voters who are opposed to issuance of said bonds shall vote a ballot on which shall be written or printed the words "Against road bonds." At the close of the election the votes shall be counted and returns thereof made to the board of commissioners of Halifax County, for which purpose said board shall cause blank abstracts to be printed and furnished to the registrars and judges of election. On the first Thursday following the election the said board of county commissioners shall meet as a canvassing board, shall receive the returns of said election, shall judicially pass upon the returns and shall judicially determine and declare the result of said election, all of which shall be recorded in the records of said board. The returns shall be executed in duplicate and one copy shall be delivered to the board of county commissioners as aforesaid, and the other filed with the clerk of the Superior Court of Halifax County. In all other respects than those herein mentioned said special election shall be held and conducted, and the qualification of voters at said election determined as nearly as may be practicable in accordance with the general law relating to the holding and conducting of elections for members of the General Assembly, and the determination of the qualifications of the voters at such elections. The expense of holding said special election shall be paid out of the general funds of the county. If the board of county commissioners shall cause a notice containing a brief statement of the result of said election as determined by the board to be published at least once in a newspaper published in Halifax County no right of action or defense founded upon any invalidity in said action shall be asserted nor shall the validity of said election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the first publication of said notice: *Provided, however,* that a copy of this sentence shall be incorporated in said notice. The board of county commissioners may, in its discretion, order a new registration for such special election, but such a new registration shall not be necessary unless ordered by the board.

Election.

Ballots.

Expense.

New registration.

Sale of bonds.

SEC. 4. The said bonds shall be sold in the manner prescribed in chapter fifty-six, Consolidated Statutes of North Carolina, for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Form, etc.

SEC. 5. The said bonds may be either coupon bonds or registered bonds and if issued in coupon form may be registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of Halifax County and the county seal shall be affixed to the bonds and attested by the clerk of said board; the coupons of such bonds shall bear a printed or lithographed or engraved facsimile signature of the chairman of said board of county commissioners who is in office at the date of the bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing.

Commissioners given discretion.

SEC. 6. The said county commissioners are given full discretion as to whether said election shall be called and the special tax herein provided for levied and the said bonds issued.

Hard-surfacing of road.

SEC. 7. The said board of county commissioners is hereby given authority to contract with the State Highway Commission for hard-surfacing the above mentioned road and if necessary to use the proceeds of sale of the bonds issued under this act for the furtherance of said purpose in such manner as they may deem it fit.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 565

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO ISSUE BONDS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of meeting the necessary expenses heretofore incurred and hereafter to be incurred for the permanent improvement of the public school buildings in the county of Granville, to include the ninety-five thousand dollars (\$95,000) heretofore advanced by the board of county commissioners for the maintenance of six months public schools in said county for which the board of county commissioners have already executed its note; for the purpose of expending thirty-

eight thousand dollars (\$38,000) in permanent improvements to the Oak Hill school building, the board of county commissioners of Granville County is hereby authorized and empowered to issue and sell serial bonds of the said county of Granville, bearing interest at a rate not exceeding six per cent per annum, not exceeding in the aggregate two hundred and forty-three thousand dollars (\$243,000). The said bonds may be either coupon or registered or partly registered and coupons, as said board of commissioners may elect and said board may prescribe the form and denomination of said bonds and all other matters of detail connected with the issue and sale of said bonds. The said bonds, when issued, shall be signed by the chairman of said board of commissioners and countersigned by the clerk of said board of commissioners and attested by the official seal of said county of Granville.

Rate of
interest, etc.

SEC. 2. That said bonds shall mature and be payable in ten equal annual installments, beginning not more than twenty years after the date of such issue and ending not more than thirty years after the date of such issue. Said bonds, the interest and coupons, shall be payable at such place or places as shall be fixed by said board of county commissioners and the interest and coupons shall be payable semiannually.

Maturity;
payment, etc.

SEC. 3. That at the time of levying other taxes there shall be levied by said board of commissioners and collected, as other taxes are collected, each year, a special ad valorem tax upon all the taxable property of the county of Granville sufficient and for the special purpose of paying interest on said bonds and providing a sinking fund for paying off and retiring said bonds at maturity.

Special tax.

SEC. 4. That none of said bonds shall be sold or disposed of for less than par value. The board of county commissioners shall advertise the sale of said bonds or any part of any issue of the same, giving time and place of such sale, and shall sell said bonds to the highest bidder: *Provided*, that said board of county commissioners shall have the right to reject any and all bids for said bonds.

Bond sale.

SEC. 5. That the proceeds arising from the sale of said bonds or any part thereof issued under the provisions of this act shall constitute a separate and distinct fund to be applied to the purposes hereinbefore mentioned in this act and to no other. The purchaser or purchasers of the bonds issued under this act shall not be bound to see to the application of the proceeds of sale of said bonds.

Proceeds.

SEC. 6. That this act grants powers in addition to the powers now held by said board of commissioners to issue bonds for

Additional
powers.

necessary county purposes and shall not be construed so as to limit any of said powers of said board.

Conflicting
laws repealed.

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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 566

AN ACT TO PROVIDE FOR AN ELECTION FOR THE COUNTY OF AVERY TO DETERMINE WHETHER FREE TEXTBOOKS SHALL BE PROVIDED FOR USE IN THE PUBLIC SCHOOLS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Election on
question of
free textbooks.

SECTION 1. That at the time and place for holding the next general election in November, one thousand nine hundred and twenty-six, there shall be held in the county of Avery an election for determining whether said county shall provide free textbooks for use in the public schools of said county; that the ballots to be used in said election shall be provided by the county board of elections of Avery County; that in said election the qualified voters who favor free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words "For free textbooks," and the qualified voters who oppose free textbooks for the public schools of said county shall cast a ballot on which shall be written or printed the words "Against free textbooks," and if a majority of the qualified voters of said county shall cast their ballots "For free textbooks," the county commissioners of said county shall, at the time and in the manner for levying other taxes, levy on all the real and personal property in said county a tax sufficient for providing textbooks for use in the public schools of said county; and it shall be the duty of the public school authorities of said county to purchase books for the use of the pupils in the public schools of said county and loan said books to said pupils without charge, in accordance with section three hundred and forty of article thirty-two of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, which chapter is the codification of the public school laws of North Carolina.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 567

AN ACT TO PROTECT THE GAME OF DARE COUNTY.

The General Assembly of North Carolina do enact:

- SECTION 1. That it shall be unlawful for any person to hunt, take or capture any game in Dare County unless said person shall have first obtained from the clerk of the Superior Court of said county a license and complied with the following conditions:
1. For a nonresident of North Carolina owning property in Dare County, a license fee of fifteen dollars per year and a fee of fifty cents for the issuance thereof to be paid to the clerk of the said court. Protection of game.
License fee.
2. For a nonresident of North Carolina owning no property in Dare County, a license fee of twenty dollars per year and a fee of fifty cents for the issuance thereof to be paid to the clerk of said court. License fee for nonresident.
3. For a resident of North Carolina and nonresident of Dare County, a license fee of five dollars per year and a fee of fifty cents for the issuance thereof to be paid to the clerk of said court. Said license fees shall be paid to said clerk who shall in turn pay the same to the county treasurer on the first Monday of each month as said fees are collected. License fee.
- SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not exceeding thirty days, in the discretion of the court. Violations misdemeanor; penalty.
- SEC. 3. The board of county commissioners are hereby authorized and empowered to employ a game warden for said county and a sufficient number of deputies as in their discretion may be deemed necessary for the enforcement of this act and shall fix the compensation of said game warden and said deputies. Game warden.
- SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.
- SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 568

AN ACT TO AUTHORIZE CAMERON GRADED SCHOOL DISTRICT, MOORE COUNTY, TO ISSUE BONDS TO BUILD AND EQUIP SCHOOLHOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees, committeemen or other governing body of the Cameron graded school district of Moore County, are hereby authorized to issue bonds of said school district for the purpose of erecting, enlarging, altering and equipping the white school building and acquiring lands for building of said school district, or for any one or more of said purposes, and the board of county commissioners of Moore County is hereby authorized and directed to levy annually tax ad valorem on all taxable property in said school district for the purpose of paying the principal and interest on all bonds issued under this act as such principal and interest shall become due, which special tax shall be in an amount sufficient for said purpose, and shall be in addition to all other taxes authorized to be levied in said school district. No bonds shall be issued under this act, however, nor said special tax levied unless and until the question of such issue and levy shall have been submitted to the qualified voters of said Cameron graded school district, at a special election to be held for said purpose and a majority of said qualified voters, shall have voted in favor of issuing such bonds and levying such tax, as required by section seven of article seven of the Constitution of North Carolina.

SEC. 2. That said bonds shall be issued in the corporate name of the said Cameron graded school district. They shall be issued in such form and denomination, and with such provision as to time and place and medium of payment of principal and interest as the board of trustees or committeemen of said district may determine, subject to the limitations of this act. The bonds shall run for a period of not exceeding forty years, and shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They may be either coupon bonds or registered bonds, and if issued in coupon form, may be registered as to principal or as to both principal and interest. They shall be signed by the chairman of said board of trustees or committeemen, and the seal of the school district shall be affixed or impressed on each bond and attested by the secretary or clerk of said board of trustees or school committee, the coupons of such bonds shall bear the printed, lithographed or etched facsimile signature of such chairman in office at the date

Bond issue;
ad valorem tax.

Vote of people.

Issuance
of bonds.

Rate of
interest, etc.

of the bonds. The delivering of bonds as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in office occurring after such signing.

SEC. 3. The bonds shall be sold by the said board of trustees or committeemen in the manner provided in the Municipal Finance Act for the sale of bonds for cities and towns. They shall not be sold for less than par and accrued interest.

Bond sale.

SEC. 4. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes for which they were issued.

Proceeds.

SEC. 5. The taxes provided for in this act shall be collected by the sheriff of Moore County, and paid over by him to the treasurer of said school district, to be applied solely to the payment of the principal and interest of said bonds. The board of trustees or committeemen may require said treasurer to give a bond or undertaking for the faithful performance of his duties under this act in such amount and with such sureties as the said board may deem sufficient, and may pay the premium on such bond out of the proceeds of the sale of the bonds hereby authorized.

Collection
ad valorem tax.

SEC. 6. Whenever the board of trustees or committeemen of the Cameron graded school district shall request, the board of commissioners of Moore County shall order a special election to be held in said school district at such time as said board of trustees or committeemen shall designate, for the purpose of voting upon the question of issuing bonds and levying a tax under this act. Said election to be held under the supervision of the board of county commissioners, and in all particulars other than those specifically provided for in this act shall be held and conducted, and the qualification of voters at the election determined, as nearly as may be practicable, in accordance with the general law governing elections for members of the General Assembly. For said election there shall be a new registration of the qualified voters of the said district. No other or further notice of such new registration shall be required than a publication at least thirty days before the closing of the registration books in a newspaper published in Moore County and circulating within said district, such publication to state the days on which the books of registration shall be open, and the place or places on which they shall be open on Saturdays. No other or further notice of said election shall be required than a publication, not more than forty days and not less than twenty days before said election, in a newspaper published in Moore County, and circulating within said district, such publication to state the question or questions to be voted on as herein provided

Special election.

Notice of
registration.

Question.

for, as well as the day of election, and the place or places at which the polls will be open. The question to be voted on shall be stated in said notice substantially as follows: "The question of issuing not exceeding fifteen thousand dollars (\$15,000) of school bonds of the Cameron graded school district and levying a sufficient annual tax to pay the same." The amount stated in said question shall be such amount as the board of trustees or committeemen shall determine and state in their petition to the board of county commissioners, but shall not exceed said sum of fifteen thousand dollars (\$15,000). The board of county commissioners shall appoint the registrar or registrars and the judges of election, and cause to be printed and distributed a sufficient number of ballots for use at the election. At said election, the voters who are in favor of the issuance of said bonds and the levying of said special tax annually shall vote a ballot on which shall be written or printed the words, "For schoolhouse bonds"; and the voters who are opposed to the issuance of said bonds and the levying of said tax shall vote a ballot on which shall be written or printed the words, "Against schoolhouse bonds." At the close of the polls, the election officers shall count the ballots cast or voted and make return thereof to the board of county commissioners, which board shall as soon as practicable after the election, and not later than its next regular meeting, judicially pass upon the returns and judicially determine and declare the results of said election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate by said election officials, one copy of which shall be delivered to the board of county commissioners as aforesaid, and the other filed with the clerk of the Superior Court of Moore County.

Ballots.

Proceeds.

SEC. 7. The funds derived from the sale of said bonds shall be paid out upon the order of the board of trustees or committeemen of the Cameron graded school district, and the expense of holding said election shall be paid out of the school funds belonging to said district.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in so far as they apply to the Cameron graded school district, in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 569

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HALIFAX COUNTY TO ISSUE BONDS FOR THE PURPOSE OF CONSTRUCTING AND HARD-SURFACING THE ROADS IN PALMYRA, ROSENEATH AND SCOTLAND NECK TOWNSHIPS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and hard-surfacing the public road leading from the bridge across Roanoke River at Edwards Ferry through the town of Scotland Neck, through Roseneath Township to the Edgecombe County line, said road being highway number twelve in part as numbered by the State Highway Commission; and for the purpose of constructing and hard-surfacing the public road leading from the Martin County line through the township of Palmyra to the town of Scotland Neck, said road being a part of highway number one hundred and twenty-five as numbered by the State Highway Commission, the board of commissioners of Halifax County is hereby authorized and empowered to issue bonds of said county in an aggregate amount not to exceed three hundred and sixty-five thousand dollars (\$365,000), the said board of commissioners to prescribe the form and denomination of said bonds and when the same shall become due and payable. The interest on said bonds shall not exceed the rate of six per cent per annum, and shall be payable semiannually at such time and place as the said board of commissioners shall designate.

Bond issue authorized; purpose.

SEC. 2. That the said board of commissioners is further authorized to levy annually a special tax ad valorem on all taxable property in Palmyra, Roseneath and Scotland Neck townships of the said county of Halifax for the special purpose of paying principal and interest of all bonds issued under this act as such principal and interest becomes due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Ad valorem tax.

SEC. 3. That no bonds shall be issued under this act, nor any special tax levied to pay said bonds until the question of issuing said bonds shall be submitted to the voters of Palmyra, Roseneath and Scotland Neck townships of the said county of Halifax at an election and a majority of the voters voting on said question shall be in favor of issuing such bonds, and the board of county commissioners of Halifax County is hereby directed to submit the question of issuing bonds under this act to the voters at a special election to be held before any such

Vote of people.

Election.

bonds are issued. The board of county commissioners shall fix the date for holding said election, shall name the registrars and judges of the election for the voting precincts in said townships, and shall cause notice of said election to be given by publication at least once in some newspaper published in Halifax County, the first publication to be at least thirty days before such election, and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election the voters who favor the issuance of said bonds and a levy of said tax shall vote a ballot on which shall be written or printed the words "For road bonds," and the voters who are opposed to issuance of said bonds shall vote a ballot on which shall be written or printed the words "Against road bonds." At the close of the election the votes shall be counted and returns thereof made to the board of commissioners of Halifax County, for which purpose said board shall cause blank abstracts to be printed and furnished to the registrars and judges of election. On the first Thursday following the election the said board of county commissioners shall meet as a canvassing board, shall receive the returns of said election, shall judicially pass upon the returns and shall judicially determine and declare the result of said election, all of which shall be recorded in the records of said board. The returns shall be executed in duplicate and one copy shall be delivered to the board of county commissioners as aforesaid and the other filed with the clerk of the Superior Court of Halifax County. In all other respects than those herein mentioned said special election shall be held and conducted, and the qualifications of the voters at said election determined, as nearly as may be practicable in accordance with the general law relating to the holding and conducting of elections for members of the General Assembly, and the determination of the qualifications of the voters at such election. The expense of holding said special election shall be paid out of the general funds of the county. If the board of county commissioners shall cause a notice containing a brief statement of the result of said election as determined by the board to be published at least once in a newspaper published in Halifax County no right of action or defense founded upon any invalidity in said action shall be asserted, nor shall the validity of said election be open to question in any court upon any ground whatever, except in an action or proceeding commencing within thirty days after the first publication of said notice: *Provided, however,* that a copy of this sentence shall be incorporated in said notice. The board of county commissioners may, in its discretion, order a new registration for such special election, but

Ballots.

Result.

such a new registration shall not be necessary unless ordered by the board.

SEC. 4. That the said bonds shall be sold in the manner prescribed in chapter fifty-six, Consolidated Statutes of North Carolina, for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Sale of bonds.

SEC. 5. That the said bonds may be either coupon bonds or registered bonds, and if issued in coupon form may be registerable as to principal or as to principal and interest. They shall be signed by the chairman of the board of county commissioners of Halifax County and the county seal shall be affixed to the bonds and attested by the clerk of said board; the coupons of such bonds shall bear a printed or lithographed or engraved facsimile signature of the chairman of said board of county commissioners who is in office at the date of the bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing.

Form, etc.

SEC. 6. That the said county commissioners are given full discretion as to whether said election shall be called and the special tax herein provided for levied and the said bonds issued.

Commission given discretion.

SEC. 7. That the said board of county commissioners is hereby given authority to contract with the State Highway Commission for the constructing and hard-surfacing the above mentioned roads, and if necessary, to use the proceeds of sale of the bonds issued under this act for the furtherance of said purpose in such manner as they may deem fit.

Hard surfacing of road.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 570

AN ACT TO AMEND CHAPTER 309 OF THE PUBLIC-LOCAL LAWS OF 1923 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WATAUGA COUNTY TO APPOINT TOWNSHIP ROAD SUPERVISORS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and nine of the Public-Local Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by inserting at the end of said section the following: "*Provided, that*

Amendment.

the board of county commissioners of Watauga County are hereby authorized, if in their discretion they deem it proper, to dispense with the road supervisor of Watauga County and in lieu thereof appoint township supervisors who shall serve at such compensation and for such term as said board of county commissioners may determine and who shall perform the road work under the direction of the board of county commissioners and who shall make such report to the board of county commissioners as said board may require."

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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 571

AN ACT TO PROTECT GAME IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Game protection.

SECTION 1. No person shall at any time take or kill any wild animal or bird in Halifax County hereinafter mentioned without first having procured a license as provided by this act, which license shall entitle him to hunt or trap only during the period of the year herein specified. The clerk of the court of said county and the county game warden shall prepare forms and issue licenses to applicants, who, if residents of said county, shall pay therefor two dollars as a license and fifteen cents to said officer for issuing same, and, if nonresidents of the said county, three dollars as a license fee and fifteen cents to said officer for issuing same, and the said clerk and warden shall turn over said fees to the county treasurer to be used by the board of county commissioners of said county for wardening the county and for propagating wild animals and birds herein specified. Each license shall be void after March first next succeeding the date of issuance. No landowner or any member of his or her family shall be required to take out license to hunt on the lands of such landowner, nor shall any person living on the land of a landowner and who has written permission of such landowner be required to take out license to hunt on the land on which such person lives, nor shall a party who leases a farm for cultivation be required to obtain license to hunt thereon.

Game warden.

SEC. 2. The county commissioners shall elect on the first Monday in June, one thousand nine hundred and twenty-five, and every two years thereafter, a county game warden, who shall

hold office for two years and they shall fix the compensation of said warden to be paid out of said license fees.

SEC. 3. It shall be unlawful to take or kill any wild animal or bird hereinafter mentioned except during the period set opposite the name of each individual species or to take or kill a greater number of each species than is enumerated opposite the name of such species, the open season and bag limit of which shall be as follows: Squirrel, September first to January first, bag limit ten a day; deer, September first to January first, limit two a day, five a season; quail or partridge, November twenty-fifth to February fifteenth, bag limit twelve a day; wild turkey, November twenty-five to February fifteenth, bag limit two a day, eight in one season; rabbit, November twenty-five to February fifteenth, no bag limit: *Provided*, that no person shall take any squirrel at any time in any public park and that rabbits may be trapped, or hunted without gun, at any time: *Provided further*, that said open season for quail or partridge shall apply to all of Halifax County: *Provided further*, said open season shall include the first and last days: *Provided further*, it shall be lawful to hunt foxes at any time.

Taking.

Bag limits.

SEC. 4. It shall be the duty of the county game warden to enforce the provisions of this act and to assist the board of county commissioners in propagating wild animals and birds, and the said warden shall have power to execute all warrants issued for the violation of this act and to serve subpoenas issued for trial of any offender and to arrest without warrant any person committing a violation of this act in his presence and take such person immediately before a court having jurisdiction for trial or hearing. The sheriff, deputy sheriff, and constables of said county are hereby made ex officio deputy game wardens and it shall be their duty to aid in the enforcement of this law. In addition to fees to which they may be entitled under the general law the county game warden, sheriff, deputy sheriff or constable shall receive the sum of five dollars in a case involving a violation of this act in which he secures the evidence upon which conviction is made thereon, which fee shall be assessed against the defendant and paid by such defendant as part of the costs in a case of conviction; if no conviction is procured, no fee shall be taxed against the county or State.

Duty game warden.

Violation and penalty.

SEC. 5. The board of county commissioners of said county is authorized to use any part of said license fees not required for paying the game warden for propagation purposes, and though the county game warden shall have charge, control and management of the propagation and distribution of wild animals and birds herein mentioned and may acquire in the name of the county by gift, lease or purchase, any moneys, hunting rights,

Use of license fees.

leases or other property for propagating wild animals and birds herein specified and for use in carrying out the provisions of this act.

Unlawful.

SEC. 6. It shall be unlawful to hunt quail or partridge with a pump gun, automatic shotgun or similar device.

Reduction of license fee.

SEC. 7. The board of county commissioners of said county may reduce the resident license fee to one dollar and the non-resident license to two dollars if they deem best.

Violation misdemeanor; penalty.

SEC. 8. 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 more than thirty days.

Application of act.

SEC. 9. This act shall apply to Halifax County only.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Condition of effect.

SEC. 11. That this act shall not be effective until same shall be approved by the board of county commissioners of Halifax County.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 572

AN ACT TO AMEND CHAPTER 634, PUBLIC-LOCAL LAWS, 1915, RELATING TO RECORDERS' COURTS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That subsection (f) in section five of chapter six hundred thirty-four of the Public-Local Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting between the word "courts" and "or," in line one of said subsection (f), the words "solicitors of said courts."

Amendment.

SEC. 2. That section ten of said chapter six hundred thirty-four be and the same is hereby amended by adding at the end of said section the following: "The recorders of the several recorders' courts are hereby directed to add the sum of one dollar to the costs of every case tried and disposed of by them, of which they have final jurisdiction, which sum shall be taxed as a part of the bill of costs and collected and paid into the salary fund of said county. The said recorders shall also keep a record of all cases disposed of by them, whether the defendant shall be acquitted or convicted, and monthly reports shall be made to the clerk of the Superior Court of Robeson County, showing the

name of every defendant indicted, the charge against him and the judgment pronounced by the court. Suitable blanks, in triplicate, shall be furnished the several recorders by the clerk of the Superior Court and paid for from the salary fund, and suitable files with alphabetical indexes shall likewise be provided by the clerk of the Superior Court, in which the monthly reports of said recorders shall be filed. Said reports shall constitute a part of the public records of the office of the clerk of the Superior Court."

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

Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 573

AN ACT TO ESTABLISH A FISH AND GAME COMMISSION FOR CABARRUS COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission to be known as the "Fish and Game Commission of Cabarrus County, North Carolina" is hereby established.

"Fish and game commission" established.

SEC. 2. That for the purpose of directing the enforcement of the provisions of this act and for making such orders and regulations relative to the protection of game in Cabarrus County as hereinafter provided, and for such other duties as may be given them in this act, the following persons, namely: Chas. F. Ritchie, Mason Goodman and S. W. Pharr are hereby named as commissioners to serve on said fish and game commission, and they and their successors shall hereafter be known as the "game commission" of Cabarrus County. Chas. F. Ritchie shall serve for a term of six years and he is to be chairman of the commission for the duration of his term or until his successor is appointed as hereinafter provided. Mason Goodman shall serve on said commission for a term of four years or until his successor is named, and S. W. Pharr shall serve for a term of two years or until his successor is named. All of said commissioners to serve from the first Monday in May, one thousand nine hundred and twenty-five.

Commissioners named.

Term of office.

Game warden.

(a) Every two years after the first Monday in May, one thousand nine hundred and twenty-five, the Governor of North Carolina shall name one person who is a resident of Cabarrus

County, and has held a hunter's license issued by the game warden of Cabarrus County for the preceding two years, to fill the vacancy of the commissioner whose term expires, and the commissioner so named shall hold office for two years or until his successor is named. In case the office of any commissioner is vacated for any cause, the Governor of North Carolina shall likewise name his successor to fill the unexpired term occurring by such vacancy.

(b) The office of game commissioner shall be nonremunerative.

Powers and
duties of game
commission.

SEC. 3. *Powers and duties of the game commission.* The game commission shall meet at some suitable place in the city of Concord to be designated by the chairman on the first Monday in May, the first Monday in August, the first Monday in November and the first Monday in February of each year, for the transaction of such business as may come before it. The commission may meet oftener for the purpose of hearings on petitions as hereinafter provided, or on three days written notice by the chairman to the other members of the board. A majority of the number on the game commission shall be sufficient to transact business of every kind that may come before the commission.

(a) The commission shall have and is hereby given full power and authority to change any open season for any game bird, game animal, or fur-bearing animal, for the county or for any township or district when special circumstances may make such change desirable; to change the bag limit when special circumstances may make such changes desirable; but no such change or changes shall be made by the commission except upon the written petition of twenty-five or more reputable citizens holding hunter's license in Cabarrus County, and such change or changes shall be made only after a public hearing of which notice shall be given by at least two publications once a week for two weeks in a newspaper published in Cabarrus County, and posting a similar notice for the same length of time at the courthouse door and at the city hall in Concord, North Carolina. The commission after such public hearing shall act upon such petition as it may deem best. When such change is made the commission shall make an order covering the same and such change shall be given equal publicity as the above public notice of hearing requires, and such change shall be as effective as if originally named in this act.

(b) The commission shall have power to close entirely the open season for taking any game bird or game animal in the entire county, or in any one or more townships in the county, upon the written petition of one hundred or more reputable citizens in Cabarrus County and upon notice as above provided

and to reopen same when circumstances warrant reopening, but the season may be reopened by the commission in its discretion and without a petition.

(c) The commission shall also have the right and is hereby given full power and authority to prescribe rules for fishing in all the streams or lakes in Cabarrus County (except in ponds or lakes artificially built on private property) the manner in which fish may be lawfully taken from such streams and lakes, to regulate the size and number of the catch in any one day, to prohibit the use of baskets or nets, and to close the fishing season entirely on certain streams, none of which orders and regulations so made shall be changed, provided same does not conflict with any ruling of the State Fish Commission, after made by the commission except upon a like petition, hearing and publication as provided in section three, subsection (a) of this act.

(d) At the first meeting of the commission on the first Monday in May, one thousand nine hundred and twenty-five, the commission shall name some bank in the city of Concord which shall act as and be known as "treasurer of the commission" and shall receive and dispose of all funds coming into its hands, on the order of the commission.

(e) The commission shall have power to employ the necessary aid in making orders, keeping books and preparing notices, etc., relative to the proper functioning of the commission, and any amount so expended, and for publication of notices, shall be paid on the order of the commission out of the funds derived from the sale of hunters' licenses.

(f) The commission shall keep a set of books and a strict account of all persons to whom licenses are issued, and keep a record of all orders made by it.

SEC. 4. It shall be the duty of the chairman of the game commission immediately after the ratification of this act to prepare forms of hunting license and all other forms necessary for use in the administration of this act, the cost of which is to be paid for in the manner hereinbefore provided.

Prepare forms
hunting
license.

SEC. 5. To carry out the provisions of this act A. B. Medlin of Concord, North Carolina, is hereby named as game warden for Cabarrus County to serve from the first day of May, one thousand nine hundred and twenty-five, until the first Monday in May, one thousand nine hundred and twenty-seven, and on the first Monday in May, one thousand nine hundred and twenty-seven, and every two years thereafter the commission shall elect a game warden to serve for the next succeeding two years or until his successor shall be elected and shall qualify. In case of a vacancy in the office of game warden by death, resignation,

removal by the commission or other cause, some suitable person shall be elected by the commission as game warden to fill the unexpired term. The game warden before beginning the duties of his office shall take an oath before the clerk of the Superior Court for Cabarrus County, the same as is administered to deputy sheriffs in the county.

Salary of
game warden.

SEC. 6. The salary of the game warden shall be fixed by the commission, the total amount for one year not to exceed the sum of five hundred dollars (\$500), which shall be in addition to the fees allowed him in the bill of costs on conviction of an offender as hereinafter provided. The commission shall also have power and is hereby authorized to appoint deputy wardens for such length of time as they may deem best and said deputy wardens shall be paid not to exceed seventy-five dollars (\$75) per month to be fixed by the commission, the amount so paid the deputy wardens not to include the fees hereinafter provided for. The salary so allowed to the game warden and deputy wardens shall be paid out of the funds derived from the sale of hunting licenses, upon the order of the commission.

Duties of
game warden.

SEC. 7. *Duties of game warden.* All licenses issued to hunters shall be signed by the game warden and countersigned in ink by the licensee in the presence of the person issuing said license. The licensee shall carry his license on his person at all times when hunting and exhibit same to the game warden or deputy warden upon request. No license shall be transferable.

(a) All persons who shall hunt with a gun and who shall have been a resident of Cabarrus County for three months, and who shall be sixteen years of age or over, shall, before entering any field for the purposes of hunting any wild bird or animal, be required to procure a hunter's license from the game warden or other officer or person authorized to issue said license, and for said license the person procuring same shall pay to the person issuing such license the sum of one dollar, and the license so issued shall be good for one year from the first day of May of the year in which it is issued.

(b) All persons living in another county, and who shall be sixteen years of age or over, shall pay the sum of three dollars for a hunter's license in Cabarrus County, which shall be good for one year from the first day of May of the year in which it is issued.

(c) All persons who are nonresidents of the State of North Carolina shall pay the sum of fifteen dollars for a hunter's license in Cabarrus County, which license shall be good for one year from the first day of May of the year in which said license

is issued: *Provided, however*, that no bona fide owner of his own land or the members of his immediate family shall be required to have a hunter's license to hunt on his own land.

(d) All persons hunting with a gun in Cabarrus County shall be required to have a written permit on his person from the owner of the land on which he is hunting, to be exhibited to the game warden or deputy upon request, or furnish such written permit from the owner, to the game warden within ten (10) days from the day he is found hunting on said land without a permit, and if such permit is furnished to the game warden within the time prescribed the prosecution shall cease and the offender shall not be required to pay any cost: *Provided*, this section shall not apply to the hunting of snipe, plover, yellow legs, ducks or other migratory birds on streams or in the meadows, when the hunter is wearing rubber boots and is not accompanied by a dog, during the season permitted by this act.

(e) The game warden shall have direct supervision of the enforcement of the provisions of this act, and the carrying out of all orders and instructions of the game commission. He shall also have supervision of all deputy wardens.

(f) All money coming into the hands of the game warden from the issuance of hunters' licenses shall be accounted for by him and turned over to the commission on the first day of each month, and the commission shall deposit same in the bank named as treasurer of the commission. All money collected by any other officer or person designated by the game warden with the approval of the commission for the issuance of hunters' licenses shall be turned over to the game warden not later than the last day of the month in which collected, and accounted for by the game warden as above provided.

(g) The game warden shall be required to give a bond in the sum of one thousand dollars to be approved by the commission, conditioned that he will faithfully perform the duties imposed upon him by this act.

SEC. 8. *Dogs.* The owners of all dogs shall keep their dogs confined either by a chain, rope, wire or in an enclosure so as not to permit them to run at large in the woods or fields from the first day of May to the first day of October of each year, and if any dog is found running at large in the fields or woods during the dates above specified, the owner of said dog shall be deemed guilty of a violation of this act, but upon conviction such owner shall not be fined, but shall only be required to pay the cost of the trial, including the fees as hereinafter provided for, and as otherwise provided by law: *Provided*, this section shall not be construed to prohibit dogs from running at large in the fields when accompanied by the owner without a gun, for training

purposes. The game commission shall be empowered to modify or change this section at their discretion.

“Take”
defined.

SEC. 9. Whenever in this act it is made unlawful to “take” wild birds or animals, the word “take” shall include pursuing, shooting, hunting, killing, capturing, trapping, snaring and netting birds or animals, collecting birds’ nests or eggs, and all lesser acts, such as disturbing or annoying wild birds or animals or placing or using any net or other device for the purpose of taking wild birds or animals whether or not they result in taking such wild birds or animals or not.

Taking, limit,
possession, sale
and
transportation
of game
restricted.

SEC. 10. *Taking, limit, possession, sale and transportation of game restricted.* No person shall at any time of the year take in any manner, number or quantity, any wild bird or wild animal, or take the nest or eggs of any wild bird, or possess, buy, sell offer or expose for sale, or transport at any time or in any manner any such wild bird or wild animal or part thereof, or any bird’s nest or eggs, except as permitted by this act; the possession of any wild bird or wild animal in any hotel, restaurant, cafe, market or store or by any produce dealer in Cabarrus County shall be prima facie evidence of the possession thereof for the purpose of sale in violation of the provisions of this act, but this provision shall not be construed to prohibit any person from lawfully obtaining game birds or game animals and having same prepared in a public eating place and served to himself and guests: *Provided, however,* that for the purpose of this act any person hiring another to kill any game birds or game animals and receiving same, shall be deemed buying same and subject to the penalties of this act: *Provided further,* that the possession of game birds or game animals in any of the aforesaid mentioned places for sale or otherwise shall not be unlawful during the period of time in which game birds and game animals of the species so possessed are lawfully permitted to be taken in Cabarrus County, and the next five days succeeding the close of such open season, nor shall this section apply to wild birds or wild animals lawfully obtained from some other county or state.

Manner of
taking game
defined.

SEC. 11. *Manner of taking game defined.* Game birds and game animals shall be taken only in the day time, between half an hour before sunrise and sunset, with a gun not larger than number ten gauge or a rifle, except rabbits may be trapped or hunted without a gun from Thanksgiving Day to March first of each year, and rabbits may be taken with a gun from Thanksgiving Day to December thirty-first of each year, both dates inclusive, and certain species of other game animals may be taken with a trap only in the open season for taking such species and when specifically designated in this act that they may

be taken with a trap, and when so designated they may be taken day or night, and opossum, raccoon and fox may be taken at night with dogs and without gun during the open season.

SEC. 12. *Open seasons.* The game birds and game animals, fur-bearing animals, and migratory game birds named in the following table may each be taken only during the period set opposite the name of each individual species, both dates being inclusive, and only the animals indicated may be taken with a trap: Open seasons.

<i>Name of species</i>	<i>Open season</i>
Squirrel	October first to January thirty-first.
Rabbit	Thanksgiving Day to December thirty-first.
Rabbit (with trap or dog)	Thanksgiving day to March first.
Raccoon (with trap)	October first to January thirty-first.
Opossum	October first to January thirty-first.
Mink (with trap)	November first to February fifteenth.
Muskrat (with trap)	December first to March thirty-first.
Gray and red fox (with dogs only)	September first to January thirty-first.
Quail	Thanksgiving day to December thirty-first.
Ducks, geese, brant	November first to January thirty-first.
Wilson snipe	February fifteenth to May fifteenth.
Black bellied and golden plover and yellow-legs	February fifteenth to May fifteenth.

Woodcock, November first to December thirty-first.

Dove, September first to February first.

Wild turkey, Thanksgiving day to December thirty-first.

Bag limit.

SEC. 13. *Bag limit.* It shall be unlawful for any one person to take in any one day any game birds, game animals, fur-bearing animals and migratory birds in a number greater than is set opposite each individual name or species in the following table:

<i>Name of species</i>	<i>Period of time</i>	<i>Bag limit</i>
Squirrel	in one day	eight
Rabbit	in one day	ten
Quail	in one day	fifteen
Wild turkey	in one day	one
Ducks in the aggregate of all kinds	in one day	fifteen
Geese	in one day	five
Brant	in one day	five
Snipe	in one day	twenty-five
Black bellied and golden plover and yellow-legs in the aggregate of all kinds..	in one day	fifteen
Dove	in one day	twenty-five
Woodcocks	in one day	five

Right to
search.

SEC. 14. The game warden or any deputy warden shall have the right, when in his opinion any of the provisions of this act have been violated to search any person hunting in the fields or woods or to search any place except a residence without a warrant, and shall also have the right to seize and destroy any trap or net set out of season for fish, game birds or game animals, and no officer shall be liable for any damage for any search, examination or seizure as herein provided.

(a) If more than the prescribed number of wild birds or wild animals than are allowed to be taken by any one person in one day are found in the bag of any person while hunting, such excess number shall be prima facie evidence of a violation of the provisions of this act.

Unlawful.

SEC. 15. It shall be unlawful for any person to be in the fields or woods with gun and dog at any time during the year when game birds and game animals are not allowed by this act to be taken.

Power to
execute
warrants.

SEC. 16. That game warden and each of his deputies shall have power to execute all warrants issued for a violation of any of the provisions of this act, and to serve subpoenas for the examination, investigation, or trial of offenders against any of the provisions of this act.

Fine for
violation.

SEC. 17. The sum of two dollars and fifty cents shall, in case of conviction of any offender under this act, be taxed in the bill of cost by the court trying the case, said amount is to be paid to the informant upon whose evidence a conviction is obtained, and a like sum of two dollars and fifty cents shall also be taxed in the bill of cost in case of conviction for the use of the game warden or deputy warden making the arrest. These items together with all other costs allowed by law shall be taxed in the bill of costs and paid by the defendant upon conviction, and upon acquittal of the defendant no amount shall be taxed against the county or the State.

Penalty.

SEC. 18. *Penalty.* Unless a different or other penalty or punishment is herein specifically prescribed, a person who takes, possesses, transports, buys, sells, offers for sale, or has in his possession for sale or transportation any wild bird, wild animal, or fur-bearing animal or any part thereof, or nets or eggs of any bird, in violation of any of the provisions of this act, or who violates any of the provisions of, or who fails to perform any duty imposed by this act or any lawful order, rules, or regulation adopted by the game commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) or be imprisoned not more than thirty days.

SEC. 19. All general, special or private or local laws affecting the manner of hunting, time of hunting, bag limit, or in any other way pertaining to the game birds, game animals, fur-bearing animals and migratory birds mentioned specifically in this act, are hereby repealed, but this act does not repeal or in any way change any law whether general, special, private or local relating to game birds and game animals not specifically named in this act, and all such laws shall remain in full force and effect. Conflicting laws repealed.

SEC. 20. If any clause, sentence, paragraph or other part of this act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, it shall in no way affect or impair the remainder of said act. Invalid clauses, etc.

SEC. 21. That this act shall be in force from and after May first, one thousand nine hundred and twenty-five. Date of effect.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 574

AN ACT TO PROTECT GAME AND REGULATE HUNTING IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to hunt, kill or destroy in any manner any bob-white, partridge, or quail in Cumberland County from the first day of February to the fifteenth day of December of any year. Protection of game.

SEC. 2. That the county commissioners of Cumberland County be and they are hereby empowered to appoint a game warden for said county, whose term of office shall be fixed by them, who shall be empowered to issue hunting licenses for the annual open season under this act, and for which he shall collect from each resident of Cumberland County applying for license the sum of two dollars (§2), and for each nonresident of Cumberland County applying for license the sum of ten dollars (§10), one-half of which license fee shall be retained by him and one-half paid into the county school fund of Cumberland County: *Provided*, that no person shall be required to take out license to hunt on his own land. Game warden.
License fee.

SEC. 3. That all persons having licenses must carry the same on their person while hunting and show same when called upon to do so by the game warden, sheriff, constable or other lawful officer, and failure to do so shall be prima facie evidence that such person was hunting without license. Must carry licenses.

Violation
and penalty.

SEC. 4. That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall, for each offense, be fined not more than fifty dollars (\$50) or be imprisoned not more than thirty days.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 575

AN ACT TO PROTECT DEER AND SQUIRRELS IN CARTERET COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amendment;
game protection.

SECTION 1. That section two thousand one hundred and nine of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the words and figures, "February first to September first," under the subhead Carteret, and insert in lieu thereof the words "January first to November first."

Violation
and penalty.

SEC. 2. That any person or persons violating section one of this act, it being the closed season for deer, shall be guilty of a misdemeanor and fined not less than ten dollars nor more than fifty dollars or imprisoned not more than thirty days, or both, in the discretion of the court.

Unlawful.

SEC. 3. It shall be unlawful for any person or persons to trap or kill more than ten squirrels in any one day.

Violation and
penalty.

SEC. 4. That any person or persons violating section three of this act shall be guilty of a misdemeanor and be fined not less than five dollars nor more than fifty dollars and imprisoned not more than thirty days or both in the discretion of the court.

Application
of act.

SEC. 5. That this act shall apply only to Carteret County.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 576

AN ACT TO APPOINT CERTAIN NAMED PARTIES AS HIGHWAY COMMISSIONERS FOR SOUTH MILLS TOWNSHIP, CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. I. Halstead for a term of six years, J. R. Spencer for a term of four years and G. W. McCoy for a term of two years be and the same are hereby appointed as the highway commission of South Mills Township, Camden County.

Highway
commission
appointed.

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

Conflicting
laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 577

AN ACT TO AMEND CHAPTER 321 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO THE FISH COMMISSION OF BURKE AND McDOWELL COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-one of the Public-Local Laws of nineteen hundred and twenty-one be amended by inserting between sections nine and ten an additional section reading as follows:

“Sec. 9a. That the funds received from the sale of licenses shall be used by the commission for any and all purposes which in the judgment of the said commission shall be for the best interest in conserving and protecting fish in said counties, and all expenditures heretofore made by said commission for boats for the use of wardens and other purposes and for a hatchery or hatcheries or in any manner connected therewith in affording protection to fish in said counties is hereby ratified, approved, and authorized.”

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 578

AN ACT AUTHORIZING THE SHERIFF OF DUPLIN COUNTY TO PAY ANY FUNDS NOW IN HIS HANDS BELONGING TO CALYPSO GOOD ROADS DISTRICT, DUPLIN COUNTY, TO GEO. W. ALBRITTON, AND ALBERT D. BYRD, TO BE USED ON THE PUBLIC HIGHWAYS IN SAID DISTRICT.

Preamble.

That whereas, Calypso good roads district, in Duplin County, held an election and sold bonds for the purpose of improving the highways in said district, all of which bonds and the interest thereon accrued, have been paid off and discharged, and there now remains in the hands of the sheriff of Duplin County certain funds belonging to said district:

The General Assembly of North Carolina do enact:

Sheriff given authority.

SECTION 1. That the sheriff of Duplin County be and he is hereby authorized and directed to pay any funds now in his hands belonging to the Calypso good roads district to Albert D. Byrd and Geo. W. Albritton, to be used by them in improving the highways in said good roads district; that the receipt of said Albert D. Byrd and Geo. W. Albritton, in the hands of the sheriff, shall be and constitute a proper voucher in all settlements by him with the commissioners of Duplin County, or any other official, or person, who may have the right to request the sheriff to make settlement for said fund; and the said Albert D. Byrd and Geo. W. Albritton shall make written report of the expenditures by them of the said fund to the commissioners of Duplin County.

SEC. 2. This act shall be in effect from and after its ratification. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 579

AN ACT TO AMEND CHAPTER 578, PUBLIC-LOCAL LAWS 1921, SO AS TO INCLUDE WILKES COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two of chapter five hundred and seventy-eight, Public-Local Laws of one thousand nine hundred and twenty-one, be amended by inserting in line six of said section the word "Franklin" and before the word "and" the word "Wilkes."

Conflicting laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 580

AN ACT TO PROVIDE FOR THE BUILDING OF A BRIDGE ACROSS THE YADKIN RIVER BETWEEN YADKIN AND SURRY COUNTIES AT ROCKFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Yadkin County and the board of county commissioners of Surry County, acting jointly, shall construct or cause to be constructed a serviceable and satisfactory bridge across the Yadkin River between Yadkin County and Surry County at Rockford at a cost not to exceed twenty-five thousand dollars. And the said boards of county commissioners, acting jointly, are hereby further directed to construct proper approaches to said bridges as same shall be built, which said approaches shall be above highwater marks of the said Yadkin River. The said boards of county commissioners shall make contracts for the construction of said bridge and approaches or any part of same.

SEC. 2. That in case there may be disagreement between the two said boards regarding any material detail of said bridge construction the said disagreement shall be submitted for arbitration to a committee of three members, one of whom shall be the chairman of the board of county commissioners of Yadkin County, another of whom shall be the chairman of the board of county commissioners of Surry County, and the other shall be selected and agreed upon by the aforesaid two members. The decision of this committee upon any such disputed point shall be binding upon the two boards of county commissioners and shall be carried out by the said boards.

SEC. 3. That in order to meet the cost of erecting said bridge and its approaches the board of county commissioners of Yadkin County and the board of county commissioners of Surry County are hereby authorized to issue and sell the bonds of their respective counties in such amount as may be necessary up to and not to exceed fifteen thousand dollars for each county and the said bonds shall be for a term of not less than ten years and not more than thirty years and shall be known as Yadkin County bridge bonds and Surry County bridge bonds, respec-

Commissioners of Yadkin and Surry counties to jointly construct bridge.

Rockford.
Cost.

Approaches.

Highwater marks.

Contracts made.

Disagreement.
Arbitration of.

Chairman of board of commissioners each county to act as arbitrators.

Select third man.

Decision binding.

Bonds may be sold.

Each county.

\$15,000 each county limit.

Term of bonds.

Designation of bonds.

Rate of interest.	tively; shall bear a rate of interest not to exceed six per cent and shall be issued and sold as other like municipal bonds are issued and sold and only after due advertisement. The proceeds arising from the sale of said bonds shall be kept separate and apart from the other county funds and shall be used for the purpose of bearing the expense of erecting and constructing said bridge and its approaches and for no other purpose whatsoever: <i>Provided</i> , that the purchaser or purchasers of said bonds shall not be required to see to the proper application of the proceeds of said bonds; and <i>provided further</i> , that the expenses properly incident to the issue and sale of said bonds may be paid out of the proceeds arising from said sale.
Sale of.	
Advertisement.	
Funds kept separate.	
Expense.	
Purchasers protected.	
Expenses paid out proceeds sale bonds.	
Tolls charged.	SEC. 4. That in case bonds are issued under authority of section three (3) of this act, the boards of county commissioners of Yadkin and Surry counties, unless and until otherwise directed by the General Assembly, shall charge and collect tolls for the privilege of using the bridge herein directed to be built, which tolls shall be at such rates as will in the judgment of said commissioners produce an amount sufficient to pay the principal and interest of the bonds herein authorized and maintenance of said bridge, and the interest on notes issued in anticipation of the sale of said bonds, as such principal and interest become due; <i>Provided further</i> , that in case the tolls so levied are not sufficient to maintain said installments of interest and principal, then the full faith and credit of Surry County and Yadkin County is pledged to the validity of said bonds, and the commissioners of said counties are hereby authorized to levy sufficient tax to carry out this provision.
Amount of toll determined.	
Sufficient to pay interest on bonds and principal.	
Tolls not sufficient.	
Credit of Yadkin and Surry counties pledged.	
Cost.	SEC. 5. The total cost of constructing said bridge and its approaches shall be covered by bonds of said Yadkin and Surry counties, according to section three thousand seven hundred and sixty-seven of the Consolidated Statutes.
Effective.	SEC. 6. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 581

AN ACT TO PROVIDE FOR THE PAYMENT IN ADVANCE OF CERTAIN COURT COSTS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Certain actions. SECTION 1. That in all divorce actions and in all actions in which the ancillary remedy of claim and delivery, arrest and bail or attachment is asked for, whether such action be instituted

in the Superior Court of Forsyth County, or in the Forsyth County court, the clerk of the court in which such action is instituted shall in each case at the time of issuing the summons, or at the time the ancillary remedy is applied for, collect from the plaintiff the sum of seven dollars and fifty cents (\$7.50) to be applied to the payment of the costs of the action.

Advance cost to be paid.
Amount \$7.50.

SEC. 2. In all actions for the possession of property wherein the plaintiff prays for the appointment of a commissioner to sell the property, the clerk shall collect in advance the sum of six dollars and fifty cents (\$6.50) from the plaintiff, to be applied to the payment of court costs.

Advance cost \$6.50

SEC. 3. That no part of the aforesaid costs shall be applied to the payment of the sheriff's fees for service of papers, but if plaintiff in any such case shall recover judgment against the defendant, the amount so paid by the plaintiff as advance costs shall be taxed in the bill of costs against the defendant.

Costs, application of.
Advance cost taxed in bill of costs.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 582

AN ACT REGULATING ROAD FUNDS IN THE TOWN OF BURNSVILLE, YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That one-third of all the road taxes levied on property within the corporate limits of the town of Burnsville, Yancey County, by reason of any act of the General Assembly of North Carolina, shall be paid by the tax collector of Yancey County to the treasurer of said town of Burnsville, and said funds shall be used by said town for the improvement of the streets of said town; and one-third of the aforesaid road taxes shall be paid to the county treasurer to be expended on roads in Burnsville Township outside of the corporate limits of the town of Burnsville; and one-third of said road taxes shall go to the county road fund of Yancey County.

Road taxes.
Distribution of.
Tax collector of Burnsville.
Streets of town.
Road fund Yancey County.

SEC. 2. That the free labor of four days to be performed annually by male citizens between the age of twenty-one and forty-five years within the corporate limits of the town of Burnsville shall be used on streets in said town, or in lieu of such labor the sum of five dollars shall be collected by the town tax

Free labor.
Used on streets.

Five dollars
in lieu of
labor.

collector and paid to the treasurer of said town, to be spent on the streets of said town.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 583

AN ACT TO PROVIDE FOR A MORE EFFICIENT METHOD OF LISTING AND ASSESSING TAXES IN TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

County commissioners may request appointment of tax supervisor.

Commissioner of Revenue to appoint.

Recommendation.

List property.

Fair valuation.

Proviso.

Property subject to valuation by State Board of Assessment.

Revenue and Machinery Acts.

SECTION 1. That if the county commissioners of Transylvania County shall deem it advisable so to do and shall so recommend, then there shall be appointed annually by the Commissioner of Revenue of the State a competent freeholder of Transylvania County on the recommendation of the senator representing said county, whose duty it shall be to list all the taxable property in Transylvania County, real, personal or mixed and place a fair, reasonable and equitable valuation thereon, said listing to be made on valuation of property as of May first, of each year: *Provided*, that nothing contained in this act shall authorize or permit the tax lister herein provided for to place on tax list of said county any property that is now or that may hereafter be the subject of valuation by the State Board of Assessment, under the Revenue and Machinery Acts of the General Assembly.

SEC. 2. That said tax lister shall be under the supervision of the board of county commissioners of said county and before entering upon his duties he shall take and subscribe to the following oath before some official authorized to administer oaths:

Oath.

"I,, do solemnly swear that I will diligently inquire into all matters and things and property which are or may become the subjects of taxation under the laws of the State situated or found in Transylvania County and will personally inspect and appraise all items of property subject to taxation in Transylvania County whether the same be real, personal or mixed, at its true market value and place same on the tax scrolls provided for that purpose, without fear, favor, reward or the hope of reward, and that I will faithfully perform every duty connected with my office to the best of my skill and ability, so help me God."

SEC. 3. That said tax lister shall enter upon his duties not later than the first day of April of each year and shall diligently continue his work and have all of said property in the several townships of the county on the township scroll books provided for said townships by not later than the first day of August of each year.

SEC. 4. That said tax lister or tax assessor shall have power and it shall be his duty to designate such day or days on which he will meet the taxpayers of the county in their respective townships for the purpose of listing and assessing the taxable property in the respective townships of the county, giving due and timely notice thereof by advertising in some newspaper published in the county and posting notices in the various townships: *Provided*, nothing contained herein shall be construed to excuse such tax lister or assessor from personally inspecting all the taxable property of the county as required by this act for the purpose of getting all the taxable property on the tax list of the county at a fair and equitable valuation.

SEC. 5. That the board of county commissioners of Transylvania County shall set apart the second Monday in August of each year in which to hear complaints as to errors and assessments in the listing and assessing of property made by said tax lister, and to equalize the values of all property so listed, and shall continue their hearings from day to day until all matters and discrepancies are adjusted, giving due notice of the time, place and purpose of said meeting in some newspaper published in the county.

SEC. 6. That said tax lister shall, where it appears necessary, visit the premises of the taxpayers or their agents who have their property in charge in the county and shall have power to administer oaths and it shall be the duty to call for any and all papers deemed necessary by him—deeds, mortgages, notes, deeds of trust, evidence of money on hand, stocks, bonds and other evidence of property which are, or may be, the subject of taxation in said county and shall have power to summon parties to produce all such papers, and witnesses to testify about such matters; and it is hereby made the imperative duty of each and every person, firm or corporation, or their duly constituted or acting agent or officer, when called for by said tax lister to produce any and all such evidence of taxable property owned by such person, firm or corporation within the county, and a failure or refusal on the part of such taxpayer or the agent of such, to answer any legitimate question touching his, her, their or its taxable property or to exhibit when called for any paper necessary for the said tax lister to have to enable

Enter on duties April 1.
Work diligently until property listed.
Township scroll books.
Completion of work August 1.

To meet taxpayers.
Days designated.

Due notice given.

Proviso.
Tax lister not relieved of duty to inspect property.

Taxable property all placed on books.

Equalization day.

Second Monday in August.

Values equalized.

Hearings continued.

Notice of time of meeting published.

Tax lister to visit property.

Administer oaths.

Call for securities.

Subject of taxation.

Produce papers.

Witnesses to testify.

Taxpayer to furnish information.

Failure or refusal of taxpayer to comply.

Penalty.
Misdemeanor.

Prima facie
evidence.

Fine.

May employ
assistants.

Transcribing
of scrolls.

County
attorney.

Examination of
parties and
witnesses.

Tax lister and
county attorney.

Sit with
commissioners.

Answer
inquiries.

Vacancies
filled.

Revenue
Commissioner
appoints.

Recommen-
dations.

Dissatisfied.

Right of appeal.

Value adjusted
and
equalized.

Fix tax rate.

Taxes
computed.

Tax list ready
for delivery
October 1.

Compensation
of tax lister.

Limit.

him to make a fair, reasonable and intelligent report and valuation of the taxable property belonging to such taxpayer in said county, shall constitute a misdemeanor on the part of such offender and shall be prima facie evidence of guilt on the part of such offender so refusing, and on conviction a fine or imprisonment may be imposed by the court.

SEC. 7. That said tax lister shall have power to employ such assistants as he may desire for the purpose of transcribing on to the township scrolls the various items of taxable property and their values which he shall have listed and assessed in said townships, and may call to his assistance the county attorney of said county whose duty it shall be to assist the said tax lister in the examination of witnesses and parties and getting all necessary and legitimate information concerning the taxable property and the value of the same in said county.

SEC. 8. The said tax lister and the county attorney shall sit with the county commissioners while they are sitting as a board of equalization, to answer all inquiries and questions for the benefit of the said commissioners touching all complaints made by any taxpayer as to errors in the quantity or value of property alleged to have been erroneously listed or assessed.

SEC. 9. That if in the event of death or resignation or any other cause, there shall be a vacancy in the office of tax lister or tax assessor herein provided for, such vacancy shall be filled by the Commissioner of Revenue on the recommendation of the State senator for the district embracing Transylvania County.

SEC. 10. The taxpayer whose property has been listed and assessed by said lister, and who is dissatisfied with the same in any particular, shall have the same right of appeal from the action of the tax lister as is now provided for by law under the general Revenue and Machinery Act.

SEC. 11. As soon as the board of county commissioners have adjusted and equalized the values of the taxable property in the county, they shall proceed to fix the tax rate at which taxes are to be computed in the various townships and school districts of the county, and the register of deeds shall complete the permanent tax list as now provided for by law, and have said tax list ready for delivery to the tax collector of the county by not later than October first of each year.

SEC. 12. The said tax lister herein provided for shall be allowed such sum as may be agreed upon between himself and the board of county commissioners, said sum not to exceed twelve hundred dollars (\$1,200) annually for all services rendered by him and his assistants in listing, assessing and transcribing the list on to the various township scrolls of the county,

said sum to be paid out of the contingent fund of the county by the county commissioners: *Provided*, all costs and expenses of serving summonses, notices and subpoenas issued by said tax lister and served by the sheriff or other officer shall be paid by the county.

SEC. 13. That if the county commissioners of said county shall decide to exercise their rights to have the taxes of said county listed and assessed under the provisions of this act, they shall meet on the first Monday in April, one thousand nine hundred and twenty-five, and each year thereafter and pass a resolution for that purpose spreading same upon the minutes of the board, otherwise the taxes shall be listed and assessed as may now or hereafter be provided for by the general Revenue and Machinery Act of the State.

SEC. 14. That such sections, clauses and provisions of the general Revenue and Machinery Act as are in conflict with the provisions of this act are hereby repealed in so far as they affect Transylvania County.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A D. 1925.

CHAPTER 584

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF LEE COUNTY TO SUBMIT TO THE QUALIFIED VOTERS OF SAID COUNTY THE QUESTION OF ISSUING \$50,000 IN BONDS FOR A PUBLIC HOSPITAL IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Lee County are hereby authorized to submit to the qualified voters of said county at an election to be called for the purpose of the question of issuing bonds not to exceed fifty thousand dollars (\$50,000) for the purchase of a site, the construction, equipment and maintenance of a hospital in said county, which shall receive in part charity patients.

SEC. 2. As soon as they may deem best after the ratification of this act, the said county commissioners are authorized to call such election, which shall be held after thirty (30) days notice thereof, in some newspaper published in Lee County, the said election shall be held as nearly as may be in accordance with the laws and regulations prescribed for the election of members of the General Assembly, and the returns shall

Paid out contingent fund.
 Notices and subpoenas.
 Served by sheriff.
 County commissioners.
 Dissension.
 If act to be used.
 Resolution.
 Revenue and Machinery Act.
 Application of act.
 Submit to voters bond issue.
 \$50,000.
 For hospital.
 Charity patients.
 Election may be called.
 Notice of 30 days given.
 Held under general election law.

- Returns; how made.
- New registration required.
- Polling precincts.
- Appoint judges and registrars.
- Ballots.
- Printed or written.
- Majority qualified voters.
- Vote for bonds.
- Commissioners to issue bonds.
- Maturity of bonds.
- Sale of.
- Proceeds.
- How used.
- Levy tax to pay bonds.
- Hospital trustees.
- Governor to appoint.
- Trustees as may be agreed upon.
- No bonds issued unless satisfactory amount contributed.
- County commissioners to be the judge.
- May receive donations.
- be canvassed and declared in like manner. An entirely new registration shall be had, and at the time of calling such election, the county commissioners shall establish polling precincts' in the said county and appoint a register and judges of election for each precinct; at such election those favoring the issuing of bonds, shall vote a ballot upon which shall be written or printed, or partly written and partly printed, the words "For bonds," and those opposing shall vote a ballot upon which shall be written or printed, or partly written and partly printed, the words "Against bonds."
- SEC. 3. If a majority of the qualified voters in said election shall vote for bonds, in that event the commissioners of Lee County are authorized to issue not more than fifty thousand dollars (\$50,000), coupon bonds of said county, bearing interest at a rate not exceeding five per cent (5%) per annum, and maturing not less than twenty years nor more than thirty years from date; and after advertising, the said bonds shall be sold to the best advantage, and out of the proceeds the commissioners shall in such manner as they may deem best, either build, equip or maintain the said hospital, or do the same in conjunction with any county organization or foundation or contracts with the same as they may deem best.
- SEC. 3½. The county commissioners shall, at the time other taxes are levied, levy sufficient tax to pay interest on said bonds and provide a sinking fund; and such taxes shall be collected as other taxes.
- SEC. 4. The said hospital shall be governed and controlled by a board of trustees, consisting of six (6) persons, holding the office respectively for two, four and six years, who shall be appointed by the Governor of North Carolina: *Provided, however,* that if aid is extended to the said hospital from any trust, or from any organization or foundation, as many of said six (6) trustees as may be agreed upon may be appointed in behalf of said organization, trust or foundation, or upon the nomination of the same as officers of the same.
- SEC. 5. No bonds shall be issued under the provisions hereof and no expenditures made for the establishing, equipping or maintaining of said hospital, unless a satisfactory amount of money is contributed thereto by some organization, foundation or trust, and the county commissioners of Lee County in their discretion shall judge as to the requisite amounts so contributed.
- SEC. 6. The trustees of hospital established hereunder may receive donations from any municipality or organization to be used in connection with the establishing, equipping or maintaining of said hospital, and any town or municipality within

the county of Lee is hereby empowered to make donations to the said hospital, of such denominations and amounts as they may deem proper.

Municipalities
in Lee County
may make
appropriations.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 585

AN ACT RELATIVE TO FISHING IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish with hook and line, net, seine or dynamiting, or in any other manner to destroy or kill any fish in any stream in Caldwell County, from September the first to April the first of each year.

Fishing
regulated.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and punished in the discretion of the court.

Violation.
Penalty.

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

SEC. 4. That this act shall be in force from and after its ratification, and shall apply to Caldwell County only.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 586

AN ACT TO PROTECT FUR-BEARING ANIMALS IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-seven of the Public-Local Laws of North Carolina for one thousand nine hundred and fifteen be and the same is hereby amended as follows:

Strike out the words "county of Craven," in line three of section one, and insert in lieu thereof the words "counties of Craven and Carteret." Strike out the words "warden of the county of Craven," in lines one and two of section three of said act, and insert in lieu thereof the words "wardens of the counties of Craven and Carteret."

Game,
protection of.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 587

AN ACT TO AMEND H. B. No. 26 OF THE SESSION OF THE GENERAL ASSEMBLY OF 1925, RATIFIED FEBRUARY 13, 1925, RELATIVE TO COMPENSATION OF CERTAIN OFFICERS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Title explains.

SECTION 1. That section four of House bill number twenty-six, of the session of the General Assembly of one thousand nine hundred and twenty-five, ratified February thirteenth, one thousand nine hundred and twenty-five, be amended by striking out the word "June," in line four of said section, and inserting in lieu thereof the word "April."

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 588

AN ACT FOR THE PROTECTION OF GAME IN THE COUNTY OF PASQUOTANK.

The General Assembly of North Carolina do enact:

Closed season defined.

SECTION 1. It shall be unlawful for any person to hunt or kill any quail or partridge between the first day of March and the fifteenth day of November in any year; any squirrel between the first day of March and the fifteenth day of October in any year; any rabbit between the first day of April and the first day of November in any year; or to kill in any one day, at any time of the year, more than twelve partridge or quail, or more than six squirrels.

Possession of dead squirrel, quail or game birds.

SEC. 2. Possession of dead squirrel, quail, or other game birds or animals for which a closed season is provided, at any time

during said closed season, except during the first five days thereof, shall be prima facie evidence of violation of the Statutes forbidding the killing thereof during said closed season.

Prima facie evidence.
Violation of act.

SEC. 3. No person shall hunt, shoot, or trap game birds or animals, on any land not owned or leased by him, without having obtained from the clerk of the Superior Court a license to hunt in the county. Said license shall not entitle the holder to hunt in any other county. This shall not apply to any minor child hunting upon lands owned or leased by his parent or the head of his household.

Must obtain license.
Limit of license.

SEC. 4. No resident of the State shall be issued a license until he shall have paid to the clerk of the Superior Court a license fee of one dollar and the further sum of twenty-five cents as a fee to said clerk. No nonresident of this State shall be issued a license until he shall pay to said clerk a license fee of ten dollars and the clerk's fee of twenty-five cents. This shall not apply to nonresident minors hunting on lands owned or leased by their parents in this State.

Fee paid for license.

SEC. 5. The license fees herein provided for shall be paid by the clerk to the treasurer of the county to be held in a separate fund to be known as the "game protection fund" and shall be used for the protection and preservation of game in said county under the direction of the board of county commissioners acting as a game protection commission.

License fees paid by clerk to treasurer.
Game protection fund.
Uses of fund.

SEC. 6. Said game protection commission shall appoint a county game warden and such deputy game wardens as they may deem advisable and shall fix the salaries of each. Said wardens shall hold office for a term of one year. It shall be the duty of said game wardens to enforce the laws for the protection of game, and for this purpose are hereby vested with all the powers of the sheriff of the county incident to said duties.

Game warden.
Salaries fixed.
Enforce laws for protection of game.

SEC. 7. Every person shall be required to carry his license with him when hunting.

License to be carried while hunting.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Violation.
Penalty.

SEC. 9. All laws and clauses of laws in conflict herewith are hereby repealed. This act shall not, however, have the effect of repealing chapter three hundred and ninety-eight, Public-Local Laws of one thousand nine hundred and twenty-three, relating to game in Pasquotank County, except as to the punishment therein prescribed for violation thereof.

SEC. 10. That this act shall apply only to the county of Pasquotank.

SEC. 11. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 589

AN ACT TO AMEND CHAPTER 245, PUBLIC-LOCAL LAWS, SPECIAL SESSION OF 1921, WITH REFERENCE TO COMPENSATION OF SHERIFF OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Sheriff's salary increased.

SECTION 1. That section one of chapter two hundred and forty-five of the Public-Local Laws, special session, nineteen hundred and twenty-one, be and the same hereby is amended by striking out the words "two thousand two hundred and fifty" wherever said words occur in said section and inserting in lieu thereof the words "twenty-four hundred."

Application of act.

SEC. 2. This act shall apply for the collection of the taxes levied in the year nineteen hundred and twenty-four and succeeding years.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 590

AN ACT TO REQUIRE PEDDLERS OR SOLICITORS CANVASSING FROM HOUSE TO HOUSE IN HALIFAX COUNTY TAKING ORDERS FOR FUTURE DELIVERY TO OBTAIN FROM THE CLERK OF THE SUPERIOR COURT A CERTIFICATE.

The General Assembly of North Carolina do enact:

Peddlers and solicitors must obtain license.

Clerk Superior Court to issue.

Clerk may require applicant to furnish bond.

Fee of clerk.

SECTION 1. That from and after the ratification of this act it shall be unlawful for any peddler, solicitor or other person canvassing from house to house taking orders for future delivery to so peddle, solicit, or canvass in Halifax County without first having applied for and obtained a certificate from the clerk of the Superior Court of said county. Said clerk of the Superior Court may, in his discretion, require said applicant to furnish bond in such amount as he may deem sufficient against fraud on the part of such peddler, solicitor or canvasser. Said clerk of the Superior Court shall be entitled to charge for each such

certificate issued a fee of one dollar: *Provided*, that this act shall not apply to any resident of Halifax County: *Provided further*, that this act shall not apply to the sale of fruit, vegetables, country produce and the products of farmers' orchards.

Proviso.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed fifty dollars or imprisoned not to exceed thirty days.

Violation misdemeanor; penalty.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 591

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF STOKES COUNTY TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE FOR COUNTY OFFICIALS.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to all allowances now made to the county officials of Stokes County for clerical assistance, the board of county commissioners of said county are hereby authorized to employ additional clerks for said county officials at a cost not to exceed twelve hundred dollars per annum; and the person or persons employed under this act shall be under the immediate and direct control of the board of county commissioners and employed to assist such of said county officials as the board of county commissioners may deem advisable.

Additional clerical assistants provided for.

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

To be under control board of commissioners.

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

Conflicting laws repealed.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 592

AN ACT AMENDING CHAPTER 35, PUBLIC LAWS, EXTRA SESSION, 1924, AS AMENDED BY S. B. 401, H. B. 606, SESSION 1925, APPLYING TO BUNCOMBE, MADISON, YANCEY, HENDERSON AND McDOWELL COUNTIES, RELATING TO MORTGAGE LOANS, BY ADDING THE COUNTY OF GASTON.

The General Assembly of North Carolina do enact:

Limiting amount of fees may be charged on mortgage loans.

SECTION 1. That section three of chapter thirty-five, Public Laws, extra session, one thousand nine hundred and twenty-four, as amended by Senate bill four hundred and one, House bill six hundred and six, session one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the "period" after the word "McDowell" and adding after the word "McDowell" "and Gaston."

Application of act.

SEC. 2. That this act shall apply only to the counties of Buncombe, Madison, Yancey, Henderson, McDowell, and Gaston.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 593

AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF NASHVILLE, NASH COUNTY.

The General Assembly of North Carolina do enact:

Cotton weigher to take oath of office.

SECTION 1. That there shall be appointed for the town of Nashville, Nash County, one public weigher, sworn to perform his duties faithfully, whose duty it shall be to weigh all cotton sold in bales in said town and make just and proper reduction for water or any other damages and to furnish scales, working material, and such extra labor as may be necessary for the performance of such or further duties as are hereinafter enumerated.

Duties.

Cotton weighed.

Cotton weigher to give bond.

SEC. 2. That all cotton sold in bales in the town of Nashville shall be weighed by a sworn cotton weigher, who shall give bond in the sum of five hundred dollars (\$500), to be approved by the board of commissioners of the town of Nashville. for the faithful performance of his duties, and said weigher shall receive as full compensation for his services the sum of ten cents

Compensation

10 cents each bale.

per bale for each bale weighed to be paid by the purchaser and to whom said weigher shall look for his fees.

SEC. 3. That the term of office shall be two years, beginning the first day of May, one thousand nine hundred and twenty-five, and that his successor shall be elected at the regular biennial election in November, one thousand nine hundred and twenty-six, biennially and thereafter by the voters of Nashville Township: *Provided*, that any vacancy is caused by death, resignation or otherwise may be filled by the county commissioners, upon petition of the voters of Nashville Township.

Term of office.

Election of.

Vacancy filled by commissioners.

SEC. 4. That it shall be the duty of said cotton weigher to keep a record of cotton belonging to different purchasers and weighed by him, so that cotton belonging to different buyers shall not become mixed on the platform or in the yard where the weighing is done, such as may be established for public convenience, and further, it shall be his duty to keep a record of all cotton weighed by him showing the names of the seller and buyer.

Records.

Cotton not to be mixed.

Record of all cotton weighed; names of seller and buyer.

SEC. 5. That the records of said officer shall be evidence in any court when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege.

Records, evidence.

SEC. 6. That said cotton weigher shall be appointed to fill the first term of office under this act, that is to say, from May first, one thousand nine hundred and twenty-five, to November first, one thousand nine hundred and twenty-six, by the board of county commissioners.

Appointed to fill first term of office by board of commissioners.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 594

AN ACT REGARDING THE COLLECTION OF CERTAIN ROAD TAXES IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter two hundred and eighty-six, Public-Local Laws of the regular session of one thousand nine hundred and seventeen, is hereby repealed and in lieu thereof the following is inserted. "The person liable for road duty who pays two dollars in lieu thereof, shall pay the same to the sheriff, who shall collect same on or before the first day of May of each year, and it shall be the duty of said com-

Person liable for road duty may pay to sheriff on or before May 1 \$2.00.

Amount paid accounted for.

Compensation of sheriff.

mission to see that said amount is collected and properly accounted for. The compensation of the sheriff for the collection of such taxes shall be five per cent of the amount collected 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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 595

AN ACT TO PROTECT DUCK AND OTHER WATER FOWL ON GREENFIELD LAKE IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Unlawful to molest water fowl on Greenfield Lake.

SECTION 1. That it shall be unlawful for any person to shoot trap or in any manner molest duck or other water fowl on Greenfield Lake near the city of Wilmington in New Hanover County; or to shoot a gun of any kind within one hundred yards of said lake.

Violation.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days, or both in the discretion of the court.

Penalty.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 596

AN ACT FOR THE BETTER PROTECTION OF FOXES IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Fox, red and gray protected.

SECTION 1. That it shall be unlawful for any person or individual to shoot, trap, snare, poison or otherwise kill, other than with dogs, any red or grey fox in Durham County.

Application of act.

SEC. 2. Any person or individual violating the provisions of this act shall be guilty of a misdemeanor and be fined not more

than twenty-five dollars or imprisoned not more than fifteen days in the discretion of the court.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 597

AN ACT TO REPEAL CHAPTER 476, PUBLIC-LOCAL LAWS, SESSION 1923, RELATING TO THE SALARY OF THE COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and seventy-seven of the Public-Local Laws of session one thousand nine hundred and twenty-three is hereby repealed. Title explains act.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 598

AN ACT SUPPLEMENTAL TO AN ACT TO AMEND H. B. 1483, S. B. 1276, ENTITLED A BILL TO BE ENTITLED AN ACT TO PROTECT GAME BIRDS AND DEER IN COLUMBUS COUNTY, RATIFIED FEBRUARY 7, 1925.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill one thousand four hundred and eighty-three, Senate bill one thousand two hundred and seventy-six, ratified on the seventh day of February, one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the words "fifteenth day of February," in line two, section eleven of said act, and inserting in lieu thereof the words "first day of March." That said section eleven be further amended by striking out the word "twenty-fifth," in line three, and inserting in lieu thereof the word "first." Game birds and deer Columbus County protected.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 599

AN ACT TO PROMOTE DRAINAGE IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Drainage districts may be created.

Five landowners.

Clerk Superior Court.

Petition filed.

Clerk to issue summons.

Date of hearing.

Special proceedings.

No answer filed.

Clerk to render judgment establishing said district.

Petition denied.

Case transferred to civil issue docket.

Trial before jury.

Proviso.

May be established on lands of petitioners.

Establishment of district.

Effect on other districts.

Tax.

Proviso.

Petitioners may take judgment.

Failure to answer.

Answer fails to raise issue of fact.

SECTION 1. That any lands in Hyde County, whether in or out of a drainage district, which are not properly and sufficiently drained may be incorporated in a drainage district upon petition of any five landowners to the clerk of the Superior Court, setting out the said lands described in the petition are inadequately drained, and that the drainage of the said lands can and will be better effected by the formation of said district. Upon the filing of said petition the clerk of the Superior Court shall issue summons against the commissioners or receivers of any district in which any part of the land may lay and all landowners not petitioners fixing a day for hearing said cause as in other cases of special proceedings and if upon said hearing it shall be admitted that said lands would be better drained by the establishment of said district or if no answer shall be filed by the defendants on or before the day of hearing, the clerk shall render judgment establishing said district as prayed in the petition, but if defendants answer denying the allegations of fact set out in the petition, the clerk shall transfer said cause to the civil issue docket of the Superior Court for trial as the first civil case at the next term of Superior Court before a jury upon the issues of fact and upon the finding of the facts in favor of the petitioners the court shall render judgment establishing said district: *Provided*, that the exclusions from said district of any defendant or defendant's land by adverse findings of fact by the jury shall not prevent the establishment of the district embracing the lands of the petitioners and such lands of the defendant as shall have been found by the jury to receive the benefits alleged in the petition.

SEC. 2. That upon the establishment of a drainage district under this act said lands shall be excluded from any other district or districts in which it may have been liable for taxation for drainage purposes and shall not be liable for any future tax in the district out of which said lands are taken: *Provided*, that nothing contained in this act shall be construed to impair the obligations of any outstanding legal contracts or bonds as to which said lands shall remain liable: *Provided further*, that upon the day set for hearing, the petitioners may take judgment establishing said district as against all persons either failing to answer the petition or whose answer fails to raise an issue of fact.

SEC. 3. Such districts so established shall, by its establishment, have conferred upon it all the duties, privileges and powers as are conferred upon such districts by the general drainage laws of the State.

Districts established; effect.

SEC. 4. That this act shall apply only to Hyde County.

Applies Hyde County only.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 600

AN ACT TO ENABLE LEE COUNTY TO ESTABLISH AND MAINTAIN A PUBLIC MEMORIAL HOSPITAL, TO LEVY A TAX AND ISSUE BONDS THEREFOR, APPOINT HOSPITAL TRUSTEES, MAINTAIN A TRAINING SCHOOL FOR NURSES, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lee County, North Carolina, may, by a majority of said board, or upon petition of two hundred voters of said county, shall, after thirty days notice at the courthouse door and publication in one or more newspapers in said county for thirty days, order an election to be held at such time as they may fix, to determine the will of the people of the county whether there shall be issued and sold bonds to an amount not to exceed one hundred thousand dollars (\$100,000), to bear interest at not exceeding six per cent per annum, and to be payable, both principal and interest, when and where they may decide, and to levy a tax of not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on the poll. The proceeds of said bonds to be used in securing lands and erecting or altering buildings and equipping same, to be used as a public hospital and said tax to be levied to pay the interest on said bonds, and to provide a sinking fund, to pay said bonds at maturity, and for the maintenance of said hospital. If the majority of the qualified voters at said election shall vote in favor of the issuing of said bonds and the levying of said tax, then said bonds, or such part thereof as the board of commissioners may determine, shall be issued and sold by said board, said tax, or such part thereof as shall be required, shall be levied. The hospital so erected from the sale of said bonds shall be known as "Lee Memorial Hospital"

Board of commissioners may call election.

Petition of 200 voters.

Notice given.

Election ordered.

\$100,000 bonds.

Interest rate.

Tax levied.

Proceeds of bonds.

Public hospital.

Sinking fund.

Maintenance of hospital.

Tax levied.

Lee Memorial Hospital.

Honor of
soldiers of
Lee County in
World war.

Voters vote,
ballot.

Ballots
written or
printed.

New
registration.

Appoint
registrars and
judges of
election.

Returns made
and canvassed.

Majority
qualified
voters.

May order
another election.

Same manner.

Not held in
same calendar
year.

Vote for
hospital.

Bonds issued.
Par.

Proceeds paid
to treasurer.

Paid out order
board hospital
trustees.

Funds expended
equipment,
buildings.

Taxes levied
and collected
paid to
treasurer.

Two separate
accounts kept.

Hospital interest
and sinking
fund; other
funds separate.

Sinking fund
provided.

Treasurer
to invest.

Best interest
obtainable.

Interest
to be paid.

in honor of the soldiers from Lee County in the World War and shall contain a tablet bearing the names of all who lost their lives in the service, as well as a suitable record of all the soldiers from Lee County who were enlisted in the service during the war.

SEC. 2. That at said election those voters favoring the issuing and sale of the bonds and levying of the tax aforesaid, shall vote a written or printed ballot "For memorial hospital" and those opposed shall vote a written or printed ballot "Against memorial hospital," and for said election the county commissioners shall order a new registration, such registration to be only for said special election, and said special election to be governed by the laws of the State, and for said election the county commissioners shall appoint registrars and judges of election, and fix the date for making returns of the election, at which date the county commissioners shall meet and canvass the returns of said election, and declare and record the results of said election. If a majority of the qualified voters shall fail to approve the issue of said bonds and the levy of said tax at the first election held as above provided, then the county commissioners may order another election for the same purpose and in the same manner: *Provided*, said second or any subsequent election shall not be held in the same calendar year as the preceding election.

SEC. 3. If a majority of the qualified voters shall vote "For memorial hospital" at any election held under this act, then the county commissioners shall issue and sell bonds authorized by said election, for not less than par, and shall pay over the proceeds arising therefrom to the treasurer of Lee County, who shall pay out the same under the orders of the board of hospital trustees, hereinafter provided for, said board of hospital trustees being authorized to use and expend said funds in the purchase of necessary sites, and in the erection and equipment of the necessary building or buildings, for said county memorial hospital, and the taxes which may be levied and collected under this act shall also be paid to the treasurer of Lee County, and by him kept in two separate accounts, one of said accounts being the hospital interest and sinking fund, and the other account the hospital maintenance fund, and from said taxes the said treasurer shall set apart to the hospital interest and sinking fund such part thereof as shall be required to pay interest on the bonds and to provide the necessary sinking fund for the payment of said bonds, and the said treasurer is authorized to lend, upon satisfactory security, the accumulations in said sinking fund from time to time for the best interest obtainable by him, and until the said sinking fund is required for the pur-

pose of paying off said bonds, and said treasurer, out of said hospital interest and sinking fund, shall pay the interest on said bonds and the bonds at maturity, but the said treasurer shall not be required to begin with the creation of a sinking fund for the retirement of said bonds before five years from the date of issuing same. The said treasurer shall pay out the moneys set apart to the hospital maintenance fund aforesaid upon the orders of the board of hospital trustees, and it shall be the duty of the board of commissioners of Lee County to annually levy and have collected as other taxes a special tax, not exceeding the limit provided by this act, sufficient to pay the interest on said bonds and to provide the necessary sinking fund for the payment of the same, and also to afford the necessary maintenance fund.

SEC. 4. The bonds issued under the provisions of this act shall mature in not exceeding thirty years from date and shall be in such denominations as the county commissioners shall determine, and shall draw interest at a rate not exceeding six per cent annually or semiannually and said bonds shall be serial bonds, maturing in such amounts as may be determined by the county commissioners, the first installment falling due not later than five years from date of issue of said bonds and the last installment falling due not later than thirty years from date of said issue.

SEC. 5. Should a majority of the qualified voters of Lee County, under any election held under this act, vote "For memorial hospital," then the county commissioners shall at once appoint not more than fifteen nor less than seven trustees chosen with reference to their fitness for such office, three of whom may be women, and at least one of whom shall be a member of the board of commissioners of said county, who shall constitute a board of trustees for said memorial hospital and said trustees shall be divided into three groups, the members of the first group being appointed for two years, the members of the second group being appointed for four years, and the members of the third group being appointed for six years, and after expiration of the term of any trustees so appointed, or thereafter appointed, the county commissioners shall appoint his or her successor for a term of two years, and the county commissioners shall fill any vacancies for unexpired terms. Upon the nomination and endorsement by the county medical society two practicing physicians for membership on said board of hospital trustees, said county commissioners shall appoint as members of said board of hospital trustees the physicians so nominated and endorsed.

Sinking fund begins five years from date of bonds.

County commissioners levy tax.

Interest and sinking fund.

Bonds, maturity date.

Denominations of bonds.

6 per cent interest.

Serial bonds.

Time of payment.

Limit of payment.

If approved by voters.

Trustees appointed by board commissioners.

One member board of commissioners to be trustee.

Trustees divided into groups.

First group hold office two years.

Second group hold office four years.

Third group hold office six years.

Successors appointed. Recommendations.

Physicians nominated and endorsed.

Trustees to qualify.

Chairman.

Secretary.

No bond required.

County treasurer to be treasurer board trustees.

Treasurer's duties defined.

No trustee to receive compensation.

Expenses may be paid.

Expense account to be verified.

How allowed.

By-laws, rules and regulations.

Economical and equitable conduct of.

Control of expenditures.

Purchase sites. Construction of buildings.

Supervision, care and custody.

Moneys deposited in treasury; paid out on warrant of officers.

Superintendent appointed; compensation.

Remove appointees.

Meetings of trustees.

Complete record of meetings.

Trustees to examine hospital.

Report filed with commissioners.

Receipts and disbursements.

SEC. 6. The said trustees shall, within ten days after their appointment or election, qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, one as secretary, and by the election of such other officers as they may deem necessary, but no bond shall be required of them. The county treasurer of the county in which such hospital is located shall be treasurer of the board of trustees. The treasurer shall receive and pay out all moneys under the control of said board, as directed by it, but shall receive no compensation from such board. No trustee shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary and allowed only by the affirmative vote of all the trustees present at a meeting of the board. The board of hospital trustees shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be deemed expedient for the economical and equitable conduct thereof, not inconsistent with this act and the ordinances of the city or town wherein such public hospital is located. They shall have exclusive control of the expenditures of all moneys collected to the credit of the hospital fund, and the purchase of site or sites, the purchase or construction of the hospital building or buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrant drawn by the proper officers of the hospital board. Said board of trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants and fix their compensations, and shall also have the power to remove such appointees; and shall in general carry out the spirit and intent of this act in establishing and maintaining a county public hospital. Such board of trustees shall hold meetings at least once each month, shall keep a complete record of all its proceedings; and five (5) members of such board shall constitute a quorum for the transaction of business. One of said trustees shall visit and examine said hospital at least twice each month, and the board shall, during the first week in January of each year, file with the board of county commissioners of said county a report of their proceedings, with reference to such hospital, and a statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and

improve such hospital for the ensuing year. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

SEC. 7. The jurisdiction of the city, town or village in or near which public hospital is located shall extend over all lands used for hospital purposes outside the corporate limits, if so located, and all ordinances of such city and town shall be in full force and effect in and over the territory occupied by such public hospital.

SEC. 8. The hospital established under this act shall be for the benefit of the inhabitants of Lee County and of any person falling sick or being injured or maimed within its limits; but every inhabitant or person who is not a pauper shall pay to such board of trustees or such officers as it shall designate for such hospital, a reasonable compensation for occupancy, nursing, care, medicine, or attendance, according to the rules and regulations prescribed by said board, such hospital always being subject to such reasonable rules and regulations as said board may adopt, in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of such hospital any and all inhabitants and persons who shall willfully violate such rules and regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such county, upon such terms and conditions as said board may, from time to time, by its rules and regulations, prescribe.

SEC. 9. When such hospital is established, the physicians, nurses, attendants, the persons therein under care, and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board may prescribe.

SEC. 10. Any person or persons, firm, organization, corporation or society desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest title of the money or personal property or real estate so donated to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise or bequest of such property.

SEC. 11. In the management of such hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of North Carolina, and all such legal practitioners shall have equal privileges in treating patients in such hospital. The patient shall have the absolute right to employ, at his or her own expense, his or her own physician, and when acting for any patient in such hospital the physician

No trustee to have pecuniary interest in purchase of supplies.

Under jurisdiction of city or town or village near it.

Ordinances applicable.

Hospital, benefit of.

Pay for service rendered.

Rules and regulations.

Persons may be excluded upon violation of rules and regulations.

Trustees to have control; all parties approaching subject to said rules and regulations.

Donations; how made; vest title; used as donated.

No discrimination as to practitioners. Equal privileges.

Patient may employ physician of choice.

Nurses subject to patient's physician's instructions. Subject to rules and regulations.

employed by such patient shall have exclusive charge of the care and treatment of such patient, and the nurses therein shall as to such patient be subject to the directions of such physician, subject always to such general rules and regulations as shall be established by the board of trustees under the provisions of this act.

Training school for nurses.

SEC. 12. The board of trustees of said hospital may establish and maintain, in connection therewith and as a part of such public hospital, a training school for nurses.

Suitable rooms for examination of insane persons.

SEC. 13. The said board of trustees shall at all times provide a suitable room for the detention and examination of all persons who are brought before the commissioners of insanity for such county: *Provided*, that such public hospital is located at the county-seat.

Department of public hospital.

SEC. 14. That the board of trustees of said hospital is hereby authorized to provide a department of said public hospital, but not necessarily attached thereto, suitable accommodations and means for the care and treatment of persons suffering from tuberculosis, and to formulate such rules and regulations for the government of such persons, and for the protection from infection of other patients and nurses and attendants in such public hospital as they may deem necessary; and it shall be the duty of all persons in charge of or employed at such hospitals, or residents thereof, to faithfully obey and comply with any and all such rules and regulations. Said board of trustees shall, if practicable, employ as head nurse, to be placed in charge of said public tuberculosis sanatorium, one who has had experience in the management and care of tubercular persons.

Tuberculosis.

Employees to obey and comply with rules and regulations.

SEC. 15. The board of trustees shall have the power to determine whether or not patients presented at said public hospital for treatment are subjects of charity, and shall fix the price for compensation for patients other than those unable to assist themselves.

Subject of charity.

Fix compensation.

Contracts.

SEC. 16. The board of trustees may contract with the county commissioners of any county where no suitable provision has been made for the care of indigent residents for the care of such indigent persons upon such reasonable terms as may be agreed upon.

Indigent residents.

SEC. 17. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 601

AN ACT TO RELIEVE PERSON OR PERSONS SUMMONED TO SERVE AS TALES JUROR OR JURORS, EITHER CIVIL OR CRIMINAL COURTS OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all persons called by the sheriff or his deputies to act as tales juror or jurors in either civil or criminal courts, and serving as same, except such persons as may be summoned as jurors of a special venire, shall serve as juror, if selected, without pay, if such person or persons so summoned shall have served as tales juror or jurors at any time within twelve (12) months prior thereto.

Tales jurors, except special venire, not to serve if served within twelve months.

SEC. 2. That if the person or persons so called shall call the attention of the presiding judge to the fact that he has served as tales juror within a period of twelve (12) months, the judge shall then excuse him.

Judge shall excuse.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. This act shall apply to the county of Guilford only.

SEC. 5. The Secretary of State shall certify a copy of this act to the clerk of the Superior Court and the sheriff of Guilford County, North Carolina, immediately upon its ratification.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 602

AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURT OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Superior Courts of Chatham County shall be open and held in the manner and at the time set forth, to wit: The seventh Monday before the first Monday in March to continue one week for the trial of criminal and civil cases; the first Monday in March to continue one week for the trial of civil cases only; the second Monday after the first Monday in March to continue one week for the trial of civil cases only; the tenth Monday after the first Monday in March to continue one week for the trial of criminal cases only; the fourteenth Monday after the first Monday in March to continue for one

Terms of court fixed.

week for the trial of criminal and civil cases; the fifth Monday before the first Monday in September to continue two weeks for the trial of civil cases only; the seventh Monday after the first Monday in September to continue for one week for the trial of criminal cases only.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 603

AN ACT FOR THE RELIEF OF MRS. T. J. ROSSER OF CHATHAM COUNTY.

Preamble.

Whereas, the children of Mrs. J. T. Rosser of Chatham County while being conveyed to school in a public school truck were painfully injured in an accident, necessitating medical and hospital expenses amounting to \$386.50, which were paid by the said Mrs. J. T. Rosser: Now, therefore,

The General Assembly of North Carolina do enact:

Commissioners
authorized to
adjust damages.

SECTION 1. That the commissioners of Chatham County are authorized, empowered and directed to pay to Mrs. J. T. Rosser the sum of three hundred and eighty-six dollars and fifty cents (\$386.50) incurred by her by reason of the aforesaid medical bill and hospital expenses of her children who were injured in a school truck accident while en route to school.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 604

AN ACT REGULATING THE HUNTING OF GAME IN WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

Fixing hunting
season.

SECTION 1. That chapter five hundred three, Public-Local Laws of the regular session of one thousand nine hundred and twenty-three, be amended as follows: Strike out the word "October," in line four of section one of said chapter, and insert the word "September."

SEC. 2. That section two thousand one hundred and nine of the Consolidated Statutes is hereby amended by striking out after the word "Washington" the words "January fifteenth to October first" and inserting in lieu thereof the words "December fifteenth to August first."

SEC. 3. It shall be unlawful for any person to net or trap any quail or offer for sale or sell any quail in Washington County. Net, trap, or sell quail.

SEC. 4. It shall be unlawful to kill any deer in Washington County which does not have horns. Deer without horns.

SEC. 5. It shall be unlawful for any person to kill more than fifteen quail in any one day. Fifteen quail in one day.

SEC. 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court. Violation misdemeanor.

SEC. 7. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 605

AN ACT RELATIVE TO THE PUBLIC ROADS OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill number fifteen hundred and ninety-nine, and Senate bill number one thousand and seventy-one, passed at this session of the General Assembly, shall not be effective until ratified and approved by the board of county commissioners of Anson County. Road law not effective until approved by board county commissioners.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 606

AN ACT TO AMEND CHAPTER 42, PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1924.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-two of the Public-Local Laws of the extra session, one thousand nine hundred and twenty-four

Increasing salary tax collector from \$2,400 to \$3,000 per annum.

Conflicting laws repealed.

Effective from ratification.

be and the same is hereby amended by striking out the words "two thousand four hundred dollars (\$2,400)" in lines seven and eight in section five, and insert in lieu thereof the words "three thousand dollars (\$3,000)."

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 607

AN ACT TO REQUIRE THE CLERK OF THE SUPERIOR COURT, REGISTER OF DEEDS, THE SHERIFF AND TAX COLLECTOR OF MOORE COUNTY TO RENDER QUARTERLY REPORTS TO THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Sheriff, tax collector and register of deeds to make report to county commissioners.

Total fees collected.

Total paid out.

Refusal to file report.

Misdemeanor; \$25 fine; \$10 additional for each day delayed.

Penalty to school fund.

Conflicting laws repealed.

SECTION 1. The clerk of the Superior Court, the register of deeds, the sheriff and tax collector of Moore County shall render to the board of county commissioners of said county on the first Monday in January of each year a statement verified under oath showing: (1) the total amount of fees collected during the preceding year ending on December one previous; (2) the total amount paid out during the said preceding year for clerical or office assistance. Any county officer subject to this section who refuses or fails to file such report as above provided on or before the first Monday in January of each year shall be subject to a fine of twenty-five dollars and ten dollars additional for each day or fraction of a day such failure shall continue. The board of county commissioners shall assess and collect the penalty above provided for and apply the same to the general school fund of the county.

SEC. 2. That this act shall apply to Moore County only.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 608

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF HARNETT COUNTY TO ORGANIZE A COUNTY COURT UNDER THE GENERAL COUNTY COURT ACT AND TO SUSPEND THE OPERATION OF ANY RECORDER'S COURT HERETOFORE EXISTING IN SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Harnett County be and they are hereby authorized notwithstanding the provisions of section twenty-four f, of chapter eighty-five, Public Laws, extra session, one thousand nine hundred and twenty-four, to organize and to put into effect in said county a general county court as provided by chapter two hundred sixteen, Public Laws of one thousand nine hundred and twenty-three, and acts amendatory thereto.

General county court authorized to be established by board of county commissioners.

SEC. 2. That upon the organization of said court the board of county commissioners of Harnett County in its discretion may suspend, during the life of said general county court, the recorder's court of Harnett County, and with the concurrence of the board of commissioners of the town of Dunn may suspend for said period the recorder's court of the Town of Dunn.

Recorder's court may be suspended.

Recorder's court in Dunn may be suspended.

SEC. 3. Upon the suspension of either or both of said recorders' courts all causes then pending in such court shall be automatically transferred to the general county court for trial or other proper procedure.

Upon suspension causes transferred to county court.

SEC. 4. That upon the organization of the general county court by the board of commissioners of Harnett County, said board in its discretion may provide in the organization thereof for said court to hold stated and special terms thereof, both at the county-seat and within the town of Dunn under such rules and regulations as the board of commissioners may adopt.

Court to be held at stated times.

Rules and regulations.

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

Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 609

AN ACT TO FIX THE COMPENSATION OF THE REGISTER
OF DEEDS OF LENOIR COUNTY.

The General Assembly of North Carolina do enact:

Fees for
chattel
mortgage
40 cents.

Fees for lien
50 cents.

\$500 additional
salary to be
allowed by
commissioners
for clerical
assistance.

Effective.

SECTION 1. That the register of deeds of Lenoir county shall collect the following fees for his services as register of deeds, which fees shall be turned over by him to the treasurer of Lenoir County for the use of said county; that is, for registering a chattel mortgage, statutory form, forty cents; for registering a lien bond, fifty cents.

SEC. 2. That the county board of commissioners of Lenoir County are hereby authorized to pay the register of deeds of Lenoir County, in addition to the amount now allowed him as salary and for clerical assistance, the sum of five hundred dollars.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 610

AN ACT RELATING TO DRAINAGE DISTRICTS IN HYDE
COUNTY.

The General Assembly of North Carolina do enact:

Drainage
district in
hands of
receiver.

Restored to
former status
upon
dissolution.

Commissioners
appointed upon
ten days
notice.

SECTION 1. That any drainage district in Hyde County which may be in receivership by virtue of any order entered in any proceeding in any State or Federal court and which, by reason of such receivership, has no acting governing body as provided for by the general drainage laws, or any private law of the State, shall upon the dissolution of the receivership be restored to its former status upon appointment or election and qualification of members of its board of commissioners, which said members shall be appointed upon the discharge of the receivers in the following manner. The board of commissioners of Hyde County, or other governing body, shall upon the discharge of said receivers, give ten days notice in writing by posting in ten conspicuous places in such drainage district, therein appointing a day certain when they shall receive and consider petitions for the appointment of three commissioners, and on said day, after hearing and considering such petitions as may be filed, the said board of county commissioners, or other governing body,

shall designate from among the number of applicants three members of the board of drainage commissioners and shall certify the names of said three members to the clerk of the Superior Court of Hyde County, who shall thereupon enter an order appointing said three members so certified. The board of commissioners of Hyde County, or other governing body, shall not be required to designate and certify the names of the persons who are named in the petition that may be filed, but may designate other persons, and in case no application or an insufficient number of applications are filed, the said board shall name said commissioners without consideration of such applications or petitions. In any event the members so designated and certified shall be landowners of the drainage district in which they are appointed members. The persons appointed by the clerk as herein provided for shall qualify in the manner provided by law for the qualification of drainage commissioners, and shall serve until their successors are elected, as herein provided, and qualified. At the regular election in one thousand nine hundred and twenty-six, and every two years thereafter, members of the board of drainage commissioners of such district shall be elected under the laws applicable to the election of members of the General Assembly: *Provided, however,* that nothing herein shall deprive any landowner, or owners, from designating or selecting one or more commissioners under the provisions of any law which gives such right to such landowner, or owners, and in such cases the commissioners of Hyde County, or other governing body, shall certify to the clerk of the Superior Court, as hereinbefore provided, the names of such persons as may be selected by any owner or owners of land who now have the right to select one or more members of the board of commissioners of such drainage district in Hyde County, under chapter five hundred and nine, Laws of one thousands nine hundred and nine, or any other law, and the members so certified shall serve until the first Monday in December, one thousand nine hundred and twenty-six on the first Monday in November, one thousand nine hundred and twenty-six, and every two years thereafter, such owner or owners of land who have the right to select one or more commissioners as above recited, shall certify the names of such commissioners so selected to the board of commissioners of Hyde County, or other governing body, who shall certify same to the clerk of the Superior Court. The members so certified shall be appointed by said clerk and such appointment shall become effective on the first Monday in December following.

Three members certified to clerk Superior Court.

Board commissioners not required to designate.

Members shall be landowners.

Shall qualify.

Election 1926.

Every two years, board of drainage commissioners elected.

Proviso.

Landowners may select.

Under chapter 509, laws 1909 or any other law.

To certify names to clerk Superior Court.

Appointment effective on first Monday in December following.

If land sold for assessments, no bidder, drainage commissioners deemed purchaser.

Same rights and powers as counties.

No interest to be charged.

Mattamuskeet Lake.

No obstruction to be erected.

Misdemeanor.

Fine.

Separate offense.

Operations suspended.

To release lands.

To bear proportionate part.

Proviso.

SEC. 2. That at any sale for land for the nonpayment of assessments, levied either for the purpose of paying off bonds or for maintenance, if there be no bidder, the board of drainage commissioners of such district in which said assessments were levied shall be deemed the purchaser in the same manner and to the same extent that counties are deemed the purchaser when lands are sold for the nonpayment of taxes and fail to sell for an amount sufficient to pay such taxes. In such cases when said district becomes the purchaser, it shall be liable for the assessments due and for costs, and such districts are given the same rights and powers as are provided by law for counties in similar cases. In any settlement which has heretofore been made or which may be pending in which the sheriff who collected drainage assessments, and the treasurer to whom same were paid, no interest shall be charged such officers by reason of deferred settlement: *Provided*, that individual owners of land as distinguished from the owners of the tract of land as "Mattamuskeet Lake," or any successive owner or owners of said property in Mattamuskeet drainage district, shall in no event be liable for default in payment of any assessment levied against it.

SEC. 3. That it shall be unlawful for any person, firm or corporation to construct or to maintain any obstruction across any navigable canal of any drainage district, except bridges which are constructed at points where public roads intersect said canals, and any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and shall be imprisoned for not more than thirty days or fined not more than fifty dollars (\$50): *Provided further*, that each day such obstructions are maintained shall constitute a separate offense; and *provided further*, that the board of commissioners of any drainage district may, in its discretion, permit the construction and maintenance of bridges under such rules and regulations as it may prescribe.

SEC. 4. That the board of drainage commissioners of any drainage district in which operations have, for any cause, been suspended, during which suspension the lands in said district have not been drained, are hereby authorized to release, by unanimous vote of the members of the board of commissioners, the lands therein from the payment of such portions of any maintenance assessments that may have been assessed as may not be required to fully discharge any obligations existing against such district. In releasing such assessments, each tract of land in said district shall bear its proportional part of such assessments as may be necessary to discharge the obligations of such district, but no more: *Provided*, this section shall only

apply to assessments levied in the year one thousand nine hundred and twenty-three: *Provided*, this section shall not contravene any order or judgment which may be entered in any proceeding now pending.

SEC. 5. That the board of drainage commissioners of any drainage district in Hyde County is hereby authorized and empowered to authorize and direct its secretary to collect all drainage assessments, and upon the adoption of a resolution providing that such secretary shall collect said assessments and upon the filing of a certified copy thereof with the board of commissioners of Hyde County or other governing body and mailing a certified copy thereof to the sheriff of Hyde County, said secretary to the said board shall be fully authorized and empowered to proceed to collect said assessments, and in the event it becomes necessary to sell the lands for nonpayment of said assessments, a list of landowners who fail to pay said assessments shall be certified to the sheriff of Hyde County by the said secretary, and said sheriff shall proceed to sell said land as now provided by law, except that such sales shall be made on the first Monday in May of each year, and may be continued from day to day for not more than four days for good cause, or may be readvertised and sold on the first Monday in June. Upon making sale of said land the sheriff shall execute certificates as now provided by law, and the purchaser shall have all the rights now provided by law. Upon the collection of the assessments from the sale of land as above provided for, the sheriff shall remit such collections to the secretary of the board of drainage commissioners, who is hereby required to execute a receipt for the same and said receipt shall operate as a full discharge of all liability on the part of the sheriff for the amount for which it may be given. The sheriff shall not be entitled to any fees, commissions or other compensation for making such sale, but the certificate and deeds shall be furnished and paid for by the board of commissioners. In like manner such board of drainage commissioners are hereby authorized and empowered to appoint the secretary of such board as treasurer, whose duties it shall be to keep and properly account for all funds of the district and to pay same out upon voucher signed by the chairman of said board and countersigned by such secretary. A certified copy of any resolution authorizing such secretary to act as treasurer shall be mailed to the board of county commissioners of Hyde County or other governing body, and a certified copy shall also be mailed to the treasurer or fiscal agent of said county, and thereupon the treasurer or fiscal agent of Hyde County shall be released from any liability for any

Proviso.

Collect drainage assessments.

Filing certificate.

Collect assessments.

Sheriff to sell lands.

Sales on first Monday in May.

Sheriff on making sale to execute certificates.

Sheriff to remit collections.

Secretary to give receipt.

Not entitled to fees.

Appoint a secretary.

Proper accounts to be kept.

Copy of resolutions to be mailed to county commissioners of Hyde County.

Secretary to
give bond.

drainage funds. Before entering upon his duties as secretary to the board of drainage commissioners, such secretary shall be required to enter into a bond, the amount of which shall be double the amount of assessments levied, and shall contain all the conditions now provided by law for bonds of sheriffs and treasurers of counties. The compensation of the secretary for serving as collector and as treasurer shall not exceed one hundred dollars (\$100) per month.

Salary.

SEC. 6. That this act shall apply to Hyde County only.

Conflicting
laws repealed.

SEC. 7. That all laws, both public and private and public-local, in conflict herewith are hereby repealed.

Effective.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 611

AN ACT EXCLUDING CERTAIN LANDS FROM MATTAMUSKEET DRAINAGE DISTRICT.

The General Assembly of North Carolina do enact:

Certain lands
excluded.

SECTION 1. That whereas there are certain lands within the boundaries of Mattamuskeet drainage district of Hyde County which have not received the benefits contemplated by the organization of said district, the lands described as follows are hereby taken out of, and excluded from the said Mattamuskeet drainage district:

Description.

Beginning at a point where the Juniper Bay Road, if extended, would intersect the property line of the North Carolina Farms Company or the lands of the Mattamuskeet Lake bottom, and running with the property line of North Carolina Farms Company to the East Main Canal; thence eastwardly with the said property line of North Carolina Farms Company to the east line of the lands of George E. Davis; thence east to the boundary line of the Mattamuskeet drainage district; then southwestwardly with the boundary line or levee of said Mattamuskeet district to Juniper Bay Road, and thence with Juniper Bay Road to the beginning: *Provided*, that said land shall remain liable for its pro rata liability for said outstanding bonds of the said district: *Provided further*, if any landowners within the above boundaries shall desire to remain in said district, they may do so provided they file with the clerk of the Superior Court of Hyde County a written request to do so within ninety (90) days from the ratification of this act, to be recorded by said clerk.

Proviso.

File written
request.

SEC. 2. All laws and clauses of law in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 612

AN ACT TO AMEND CHAPTER 664 OF THE PUBLIC-LOCAL LAWS OF 1917, WITH REFERENCE TO RURAL POLICEMEN IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter six hundred and sixty-four of the Public-Local Laws of North Carolina, session of one thousand nine hundred and seventeen, be amended by striking from line two of said section the words "of the sheriff" and inserting in lieu thereof the words "the board of commissioners of Mecklenburg County," and by striking from the end of line seven, in said section three, the word "sheriff" and inserting in lieu thereof the words "the board of commissioners of Mecklenburg County"; and by striking from line eleven of said section three the word "sheriff" and inserting in lieu thereof the words "the board of commissioners of Mecklenburg County."

Rural policemen.

Authority of rural policemen.

No authority to execute civil process.

SEC. 2. That section nine of chapter six hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and seventeen be stricken out and the following inserted in lieu thereof: "Section nine. That the said rural policemen shall have the power and authority and shall be required to serve all criminal processes and indictments issued by any lawful authority and placed in his hands for service, but shall have no authority to execute civil process."

Under control board of commissioners.

SEC. 3. That said chapter six hundred and sixty-four of the Public-Local Laws of one thousand nine hundred and seventeen be further amended by striking out section five thereof; also by adding a new section to said chapter six hundred and sixty-four after section twelve, to be known and designated as section twelve and one-half, as follows: "Section twelve and one-half. That the board of commissioners of Mecklenburg County shall have the full control, direction and management of the members of the rural police force of Mecklenburg County, with the power to select and elect members of the force, together with a chief, which said chief when so selected shall have full control, direc-

tion and management of said force, subject only to orders of the board of commissioners of Mecklenburg County."

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.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 613

AN ACT TO AMEND CHAPTER 438, PUBLIC-LOCAL LAWS, SESSION 1923, AND CHAPTER 152, PUBLIC-LOCAL LAWS OF EXTRA SESSION 1924, RELATING TO GAME IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Amendments.

SECTION 1. That chapter four hundred and thirty-eight, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words "first day of March to the first day of December" after the word "the," in line three of section five, and insert in lieu thereof the words "first day of January to the fifteenth day of November."

Amendments.

SEC. 2. In section three, chapter four hundred and thirty-eight, Public-Local Laws of one thousand nine hundred and twenty-three, be amended by striking out the word "fifteenth," in line three in said section, and insert in lieu thereof the word "first."

Amendments.

SEC. 3. That chapter four hundred and thirty-eight, Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out all of section seven of said chapter and inserting in lieu thereof the following: "Section seven. That it shall be unlawful to set steel straps or other device for capture of wild animals or birds in Bladen County: *Provided*, that a person may trap animals or birds for scientific purposes, or for restocking game preserves in Bladen County, upon written request to the clerk of the Superior Court of Bladen County and with his written permission."

Unlawful to
set steel traps.

Birds may be
trapped for
scientific
purposes.

Upon written
request to
clerk Superior
Court.

Turkeys.

SEC. 4. That section three, chapter one hundred and fifty-two, Public-Local Laws of extra session, one thousand nine hundred and twenty-four, be and the same is hereby amended by adding the words "or turkey" after the word "squirrel" and before the word, "in," in line six of section two.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 614

AN ACT TO PROVIDE FOR THE PAYMENT OF A LICENSE TAX BY DEALERS IN HORSES AND MULES IN THE COUNTIES OF BERTIE, ANSON, AND HARNETT.

The General Assembly of North Carolina do enact:

SECTION 1. That every person, firm, company or corporation engaged in the business of selling horses and mules in the counties of Anson and Bertie and Harnett shall pay an annual license tax of two hundred and fifty dollars to the county in which such business is conducted, such license tax to be due and payable to the said county, and to be collected by the sheriff or other proper officer of said county: *Provided*, that residents of North Carolina who pay taxes in said state, other than this tax, shall not be required to pay to said counties this annual tax of two hundred and fifty dollars for conducting said business.

Nonresidents
to pay a tax
of \$250.

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

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

Conflicting
laws repealed.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 615

AN ACT TO AUTHORIZE CHATHAM COUNTY TO IMBURSE IVEY GILMORE FOR DAMAGES.

Whereas, one of the county trucks was carelessly driven into a car of Ivey Gilmore, whereby said Ivey Gilmore was damaged in the sum of eighty-four dollars (\$84): Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners are authorized and directed to pay to Ivey Gilmore the sum of eighty-four dollars (\$84).

County
commissioners
authorized to
pay \$84.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 616

AN ACT TO PROTECT GAME IN CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Game wardens.

SECTION 1. That H. M. Kent of Lenoir Township, Robert Kirby of Lower Creek Township, Coot Cobb of Hudson Township, Glenn Parlier of King's Creek Township, Charles Phillips of Globe Township, Fred M. Deal of Little River Township, Jesse Greer of Patterson Township, Clarence Moore of Lovelady Township and Carroll Tolbert of Wilson Creek Township, Caldwell County, be and the same are hereby appointed game wardens for said county.

Organization.

SEC. 2. That immediately upon the ratification of this act the above-named game wardens shall meet at Lenoir, North Carolina, and organize by electing one of their number chairman and one secretary. It shall be the duty of the secretary to keep the minutes of the proceedings showing organization and other records and as such organization shall be known as the "game association of Caldwell County" and charged with the duty of protecting the wild game of said county and seeing that the law with respect thereto is enforced and to this end they may employ counsel to assist in the prosecution of any one charged with its violation and pay therefor from any funds in its hands on deposit with the clerk of the Superior Court of said county. Should any vacancy occur in said game association of Caldwell County, the association is hereby authorized to fill such vacancy by an election by a majority of the members of the said association.

Chairman and secretary.

Minutes.

Game association of Caldwell County.

Charged with enforcing this act.

Vacancy; how filled.

Deputy wardens may be appointed.

Oath.

May arrest without warrant.

Fee \$5.

Taxed in bill of cost.

SEC. 3. For the more efficient enforcement of the law the said association and wardens are authorized and empowered to appoint deputy or assistant game wardens for said county who shall qualify by taking the oath of a township constable before the clerk of the Superior Court of Caldwell County and when so qualified have all the authority of a peace officer and town constable and may arrest any one caught by them in the act of violating the law without warrant. Any game warden, deputy, or assistant game warden for each conviction under the game laws secured by said warden shall receive a fee of five dollars in addition to fees allowed by law for serving processes and other acts of constable in connection with any indictment or prosecution for the violation of game laws, which fee shall be taxed in the bill of cost against the defendant. The sheriff of Caldwell County and his deputies are hereby authorized and empowered to assist in the enforcement of this act.

SEC. 4. It shall be unlawful to hunt for, kill, shoot, trap, take or catch any game or wild bird herein named or designated during the closed season for such game which is declared to be as follows, viz.:

Close season
for game.

For quail, wild duck, ruffed grouse, chinese pheasants, and wild turkey from January twentieth to November twentieth; for dove, from March first to November first; for woodcock, January first to November first, blackbellied and golden plover, yellow-legs, from December fifteenth to September first; geese and Wilson snipe, February first to November first; coon and opossum from February fifteenth to October fifteenth; squirrel, from September first to January first; foxes, from February fifteenth to September fifteenth; deer, at any time for a period of five years from the date of the ratification of this act, and after that from December first to November first.

SEC. 5. That it shall be unlawful for any nonresident to hunt during the open season in Caldwell County for any game, wild fowl or animal herein named without having first applied for, paid and obtained a license which shall be issued by the clerk of the Superior Court of Caldwell County who is charged with having such licenses printed and kept in his office for issuance. The license fees to be paid for such privilege shall be as follows: For the privilege of hunting quail, squirrel, opossum, ten dollars per season for each nonresident; for the privilege of hunting fox, fifty dollars for each nonresident. For each resident of Caldwell County for the privilege of hunting quail, one dollar, and for each resident of Caldwell County for the privilege of hunting fox, two dollars and fifty cents a season. In addition to such licenses each applicant shall also pay the clerk of the court of Caldwell County twenty-five cents for issuing such license.

License.

License fees.

Tax.

SEC. 6. That it shall be unlawful at any time to kill or catch any fox, coon, quail or duck by trap, net, snare or otherwise than by the usual method of hunting, and it shall be unlawful to kill any fox or catch any fox by shooting, snare or trap at any time, whether in open or closed season. It shall be unlawful to shoot or kill fox on tree or at den in any season and the owner of a dog or dogs shall keep them under control and not permit them to chase fox during the closed season.

SEC. 7. That any one found hunting or out in the field or woods with dog shall be presumed to be hunting and the same shall be prima facie evidence that those apparently in charge of such and those along are hunting.

Prima facie
case.

SEC. 8. That upon written application of any one training young fox dogs for permission to turn loose any fox bought by such trainer, and run same, the game association may, in its

Training young
fox dogs.

discretion, give permission to run such fox by specifying the section and place at any time during the closed season for hunting fox.

Clerk of Superior Court to have printed license.

SEC. 9. That the clerk of the Superior Court of Caldwell County shall have printed and issued any and all licenses herein provided, and collect all fees for the same and he shall keep a record of any and all such licenses issued by serial numbers in a book open to the inspection of the public, and the funds shall be held by him and paid out upon the order of the game association signed by the chairman and secretary and any balance, after payment of all expenses incurred, shall at the close of each season be expended in restocking the said county with wild foxes or other game as said association may deem proper.

To be paid out of license fees.

Landowners not to take out license to hunt on his own land.

SEC. 10. That nothing in this act shall be construed to require any landowner of Caldwell County to take out or pay for a license to hunt during the open season on his own premises, nor shall it be construed to require any one to have a license to hunt rabbits, or other wild animals not protected or covered by this act: *Provided*, nothing herein shall be construed so as to repeal the present law requiring the permission of the landowner to hunt on lands of another, nor shall the possession of a license authorize one to hunt on the lands of another without the permission of such landowner first had.

Proviso.

Must have permission of landowner to hunt.

SEC. 11. It shall be unlawful to sell or offer for sale any wild duck or quail except the same shall have been killed on one's own premises and then only after first securing the permission of the said wardens herein named, who may, upon application, give such permission to the owner of the land.

Unlawful to sell quail.

Violation misdemeanor.

SEC. 12. That any one violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Secretary of State to furnish copy.

SEC. 13. That the Secretary of State, upon the enrollment of this act, shall certify a copy of the same to the clerk of the court of Caldwell County, who shall give general notice or a synopsis thereof by circular or other publication of its provisions to the public.

Limitations.

SEC. 14. Nothing in this act shall be construed to remove Caldwell County from the requirements of chapter one hundred and ninety-one of the Public Laws of one thousand nine hundred and twenty-three.

Conflicting laws repealed.

SEC. 15. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification, and if and when, only, it shall have been approved

by an order of the board of commissioners of Caldwell County, at their April meeting, one thousand nine hundred and twenty-five. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 617

AN ACT TO PROTECT FISH IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any nonresident to fish with seine net or seines or nets in any lake, pond, river or creek in Harnett County.

Unlawful for nonresidents to fish with seines or nets.

SEC. 2. Any person or persons violating the above act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50) nor less than twenty-five dollars (\$25) or imprisoned not more than thirty (30) days nor less than fifteen (15) days, or both, in the discretion of the court.

Violation.
Misdemeanor.
Penalty.

SEC. 3. *Provided, however,* this act shall not apply to non-residents owning ponds or lakes in Harnett County.

Does not apply to nonresidents owning ponds.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 618

AN ACT TO AUTHORIZE AND DIRECT THE COUNTY COMMISSIONERS OF JACKSON COUNTY TO TAKE OVER THE PRESENT ROAD BONDS OF CULLOWHEE, SYLVA AND DILLSBORO TOWNSHIPS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Jackson County be and it is hereby authorized, empowered and directed to take over and become responsible for the payment of all the bonded indebtedness for the construction of roads or highways of Cullowhee Township, which bonds are styled "Cullowhee Township road bonds," and those of Sylva Township, which are styled "Sylva Township road bonds," and those of Dillsboro Township, which are styled "Dillsboro Township road bonds," issued by the board of trustees for each of said respective townships under and by virtue of chapter two hundred sixty-nine of the Public-Local Laws of one thousand nine hundred thirteen.

Board of county commissioners to assume all bonded indebtedness known as Cullowhee Township road bonds and Sylva Township road bonds and Dillsboro Township road bonds.

Trustees of Cullowhee, Sylva and Dillsboro to account to board of highway commissioners for funds, material, etc.

Shall report amount of bonds issued.

To levy tax.

County obligation.

County commissioners to turn over all funds, material, etc., to highway commissioners.

To be submitted to voters on first Saturday in April, 1926.

If not approved by voters to be null and void.

SEC. 2. That the said board of trustees of Cullowhee, Sylva and Dillsboro townships are authorized and directed to account to the board of highway commissioners of Jackson County for all funds, material and equipment now in the hands of said trustees by reason or by virtue of said chapter two hundred sixty-nine of the Public-Local Laws of one thousand nine hundred thirteen, and shall turn over to the said board of highway commissioners all such funds, material and equipment in their hands. The said board of trustees of each of said respective townships, at a time to be designated by the board of county commissioners, not exceeding sixty days after the ratification of this act, shall report to the said board of county commissioners the amount of bonds issued by each respective township, the style, maturity date and the purchasers of said bonds. The board of county commissioners of Jackson County are hereby authorized, empowered and directed to levy an ad valorem property tax in Jackson County sufficient for the payment of the principal and interest of said bonds of each respective township, and shall assume, pay off and discharge as a county obligation all the proper road obligations of each township of the county, above designated, including all outstanding road bonds issued by proper legal authority according to said chapter two hundred sixty-nine of the Public-Local Laws of one thousand nine hundred thirteen.

SEC. 3. That after the said board of trustees of each respective township shall have accounted properly to the board of county commissioners of Jackson County, and shall have turned over all funds, material and equipment in its hands to said board of highway commissioners, and shall have properly reported the amount, style, maturity date and purchaser or purchasers of the road bonds of each respective township, the said board of trustees of each respective township shall be abolished, and the duties vested in said board of trustees by virtue of said chapter two hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirteen shall vest in the board of highway commissioners of Jackson County.

SEC. 4. That before this act is effective it must be submitted to the qualified voters of Jackson County at a special election to be held the first Saturday in April, one thousand nine hundred and twenty-six, to be called and conducted in the same manner and under the same rules and regulations as elections for members of the General Assembly. At said election, if a majority of the votes cast be "For taking over township road bonds," then this act shall be effective; but if a majority of the votes cast be "Against taking over township road bonds" then this act shall be null and void.

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

Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 619

AN ACT TO CREATE A COUNTY GAME COMMISSION FOR JACKSON COUNTY, TO EMPOWER SAID COMMISSION TO MAKE RULES AND REGULATIONS CONCERNING LICENSE FEES, OPEN AND CLOSE SEASON, NOT INCONSISTENT WITH EXISTING GAME LAWS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That M. Buchanan, Jr., S. T. Bryson and Wayne McGuire, of Jackson County, are hereby appointed a county game commission for Jackson County for a term of two years and until their successors in office qualify. Said game commission is hereby authorized to appoint a game warden or wardens as may be found necessary and for such term as it may deem wise and at such compensation as it may fix and shall prescribe the duties of such game warden or wardens.

County game commission.

Wardens.

Compensation and duties of wardens.

SEC. 2. Said game commission is hereby authorized to fix the license fees for hunting and fishing in Jackson County for residents and nonresidents of said county and to make regulations as to open and close season on game in said county: *Provided*, said regulations shall not conflict with existing game laws of said county relative to open and close season: *Provided further*, that no regulation of the county game commission shall be valid until approved by a majority of the board of county commissioners of said county.

Fix license fees.

Said regulations not to conflict with existing game laws.

Proviso.

SEC. 3. Said game commission is hereby charged with the duty of enforcing faithfully and impartially the game laws of Jackson County and the rules and regulations of said commission not inconsistent with law shall have the force of law and any violation thereof shall be a misdemeanor and the party convicted thereof shall pay a fine of not exceeding fifty dollars or be imprisoned not to exceed thirty days.

Game commission charged with enforcing game law.

Violation misdemeanor.

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

Conflicting laws repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 620

AN ACT APPOINTING HIGHWAY COMMISSIONERS FOR JOHNSTON COUNTY AND PROVIDING FOR AN ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. B. M. Robertson, T. H. Atkinson, P. H. Etheridge, E. H. Dixon and D. J. Williams be and they are hereby appointed and constituted members of the road commission of Johnston County to serve for two years or until their successors are duly elected and qualified. In the event that either of said commissioners fail to qualify a new member shall be elected from the district of such member as provided in Senate bill number four hundred thirty-six and House bill number one thousand four hundred and twelve of the Acts of one thousand nine hundred and twenty-five, General Assembly.

SEC. 2. Upon the expiration of two years service of the commissioners herein named, the board of county commissioners of Johnston County shall elect a new board and said board of commissioners shall biennially thereafter name and elect the members of the road commission of Johnston County. Such members to be elected, one from each of the five districts, as set out in Senate bill number four hundred and thirty-six, House bill number one thousand four hundred and twelve of the Acts of General Assembly of one thousand nine hundred and twenty-five.

SEC. 3. The road commission of Johnston County as herein named and their successors in office shall elect a treasurer who shall be charged with the duties of handling the road funds coming into the hands of such commission and such treasurer is hereby required, before entering upon the duties of such office to file with the said road commission a bond in the sum of ten thousand dollars guaranteeing and assuring a proper accounting for all the funds coming into his hands as such treasurer.

SEC. 4. The road commission herein named shall hold their meetings at a regular time and place and public notice of said meeting shall be given so that any citizen of the county may attend and hear the proceedings. The said board shall keep a full and true account of all its proceedings and activities, showing the receipts and disbursements of all money, the amount of work accomplished by the force of their supervision, the number of persons employed, the salaries and wages paid such persons, an itemized account of all receipts and expenditures and all other matters in any way connected with or relating to said road, the improvements and expenditures thereon and the conditions thereof. The books containing such accounts and information shall be placed in the custody of the treasurer hereinbefore

Road commission created; commissioners appointed to serve two years.

Board of county commissioners to select new board of road commissioners.

To elect every two years.

Treasurer.

Bond.

Commission to hold meetings.

Record to be kept.

Open to inspection of public.

provided for and shall at all times be subject to the inspection of any taxpayer of Johnston County.

Said commission shall hereby post at the courthouse door and publish in some newspaper published in Johnston County an annual statement showing all receipts and disbursements, together with the names of the persons from whom such money has been received and to whom it has been paid.

Post annual statement.

SEC. 5. The election provided for in the bill which is Senate bill number four hundred and thirty-six, House bill number one thousand four hundred and twelve, shall be subject to a call for said election by the board of county commissioners of Johnston County and shall be left in the sound discretion of said board of county commissioners of Johnston County to call or not to call the election therein provided for as in their opinion and judgment the interest of the county may demand: *Provided, however,* that the said board of county commissioners shall, not later than the first Monday in May, one thousand nine hundred and twenty-five, hear such citizens of Johnston County as may be interested and consider such petitions as may be presented, and upon such hearing or without such hearing if the citizens of the county do not so require, they shall enter an order calling said election or refusing to call such election as in their judgment and wisdom may be proper. In the event said board of county commissioners call said election the ballots shall be printed for good roads and against good roads and a majority of the votes cast either for or against shall determine whether said road system shall be inaugurated or not.

May consider petitions.

Order.

If in their judgment and wisdom proper.

SEC. 6. In the event the county road system is adopted by the people and the road commission herein appointed shall enter upon their duties it shall be left in their discretion as to the method, manner and time of taking over the convict force for use upon the public road system of Johnston County.

If approved by voters to enter upon duties.

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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 621

AN ACT FOR THE RELIEF OF J. K. REID, SHERIFF OF WASHINGTON COUNTY, AND FOR THE RELIEF OF LEON S. BRAY, TREASURER OF WASHINGTON COUNTY.

Preamble.

Whereas, J. K. Reid, sheriff of Washington County, and Leon S. Bray, treasurer of Washington County, had certain funds of the said Washington County deposited in the United Commercial Bank in the town of Plymouth on the thirteenth day of January, one thousand nine hundred and twenty-five; and

Preamble.

Whereas, on the thirteenth day of January, one thousand nine hundred and twenty-five, the State bank examiner closed the doors of the said bank, declaring it to be insolvent, and it will be some time before the assets of said bank are liquidated: Now, therefore,

The General Assembly of North Carolina do enact:

Sheriff and treasurer relieved from liability on account of deposits in the United Commercial Bank which failed until the affairs of the bank are liquidated.

SECTION 1. That J. K. Reid, sheriff of Washington County, and Leon S. Bray, treasurer of Washington County, be and they are hereby relieved from any and all sums which they had deposited in the United Commercial Bank of Plymouth, North Carolina, on the thirteenth day of January, one thousand nine hundred and twenty-five, belonging to the county of Washington, until the assets of said bank are liquidated and the receiver of said bank has completed the distribution of its assets among those entitled thereto.

The relief herein granted is only temporary; official bonds liable.

SEC. 2. That this act shall not be construed to relieve the official bonds of the said officers, or to permanently relieve the said officers, from liability for said deposits, but shall be construed to defer the time at which the said officers and their official bonds shall be held liable for the said deposits until the assets of said bank are liquidated, and the receiver of said bank has completed the distribution of its assets among those entitled thereto. This act shall have no force and effect in any respect unless the sureties on the official bonds of the said officers shall file with the board of county commissioners a written agreement that they shall be bound by the provisions hereof, and waiving any rights or defenses which they might have by reason of the extension of the time for payment of the said sums by the said officers.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 622

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the board of county commissioners and the members of the board of education of Caswell County while in performance of their duties as members of said board at either regular or special meeting or committee work shall receive the sum of four dollars per day and mileage at the rate of five cents per mile for each mile-traveled.

Members of county board of education and county commissioners to receive \$4 per day and mileage.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 623

AN ACT TO CREATE A FISH AND GAME COMMISSION FOR BEAUFORT COUNTY, AND TO PROTECT THE GAME AND FRESHWATER FISH OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no person shall hunt, shoot or kill any game or game bird, or catch any fish with reel and rod, of the fresh water varieties, or act as guide to any one so engaged, on or adjacent to the waters of Beaufort County, unless he shall have first obtained a license as is hereinafter provided for.

Must obtain licenses to hunt or fish.

SEC. 2. That the clerk of the Superior Court of Beaufort County shall issue license upon the receipt of application under the following conditions:

Licenses to be issued by clerk.

A. The applicant shall make application in writing, giving his or her name, residence address, business or profession, age, sex, color of hair and eyes, height and approximate weight, and enclose:

Application made in writing, giving full description of applicant.

1. If a nonresident of the State, thirty-five dollars and a fee of fifty cents, for a hunters and fisherman's license for one year, or the sum of twenty-five dollars and said fee, if only a hunter's license is desired.

Nonresident hunters and fisherman's licenses \$35.50. Hunter's license only \$25.

Resident of the state, hunter's license \$10; fisherman's license \$5.

Resident of Beaufort County hunter's license \$1; fisherman and hunter's license \$2.

Game commission created. Composed of chairman of board of commissioners, chairman of education and clerk of Superior Court and two other members to be appointed by these. To organize and elect chairman, secretary and other employees. To appoint chief game and fish warden and deputies. To enforce game and fish laws. Per diem and mileage.

Licenses to be obtained.

Sheriff, deputies and constables to enforce the law.

2. If a nonresident of Beaufort County, but a resident of the State or North Carolina, the sum of ten dollars for hunter's license, five dollars for fisherman's license, or fifteen dollars for a hunter's and fisherman's license, and a fee of fifty cents for issuing same.

3. If a bona fide resident of Beaufort County, the sum of one dollar for hunter's license, or a fee of two dollars for both hunter's and fisherman's license, and a fee of twenty-five cents for issuing same: *Provided*, that no person under twelve years of age shall be allowed to hunt with gun or rifle in Beaufort County, except upon land owned or controlled by such person, their parent or guardian.

SEC. 3. That a "game and fish commission for Beaufort County" is hereby created, to be composed of the chairman of the board of county commissioners, the chairman of the board of education, the clerk of the Superior Court and two residents of Beaufort County, who shall be appointed by three members herein appointed, and the said board so constituted shall, after duly qualifying, immediately organize by appointing a chairman and secretary, and such other help and employees as they shall require.

SEC. 4. The said board shall appoint one chief game and fish warden, and such other deputy wardens as shall be necessary to properly enforce this law, and shall fix the compensation of said wardens, and shall have the power and authority to do all things necessary to properly carry into effect this law and such other fish and game laws as are now in effect by the State of North Carolina, the Fisheries Commission Board and the Federal government.

SEC. 5. The said board shall receive the sum of five dollars per day each, and five cents per mile each way, for such days as they are actually assembled.

SEC. 6. That any resident of Beaufort County who shall take persons hunting or fishing for hire, shall, before so doing, apply to the clerk of the Superior Court under the same rules and regulations as is required of persons who desire to hunt or fish, and shall procure license for such work, the price for same to be as follows: Hunter's guide license, fifteen dollars; fisherman's guide license, ten dollars, and all license issued under authority of this act shall be enclosed in a water-proof envelope, to be furnished by the said clerk, and to be available for inspection while engaged in such services.

SEC. 7. The sheriff, deputy sheriffs and all constables of Beaufort County are hereby appointed deputy game and fish wardens

and shall have the same power and authority to enforce this law as they have to enforce any existing law now in force.

SEC. 8. The said board hereby created shall hold office until the first Monday in December, one thousand nine hundred and twenty-six, when a new board shall be appointed composed as is herein provided, and every two years thereafter, a new board shall be appointed as is herein provided, and the said board shall on the first Monday of April in each year meet in annual meeting, and shall make a full and complete report to the board of county commissioners of Beaufort County.

Term of office expires first Monday in December, 1926.

New board created as provided herein.

SEC. 9. The said board shall have prepared and furnished to each person who may secure license under this act, in pamphlet form, a copy of this law, the same to be furnished free of charge.

Licenses prepared, a copy of law furnished.

SEC. 10. The wardens herein provided for shall have the power to arrest any person, without warrant, who shall, in their presence, violate any provision of this law, or any provisions of any fish or game law now in force, and shall at once take such person to a justice of the peace or recorder for an immediate hearing.

Wardens to arrest without warrant.

Immediate trial.

SEC. 11. That the said board shall have the power to use any of the funds arising from the sale of license, or so much as they may deem proper, to restock the waters of Beaufort County with fish, or to restock the lands of Beaufort County with game, and the money collected from the sale of license shall be turned over to the treasurer of Beaufort County on the first Tuesday of each month, and he shall keep the same separate and apart from all other funds, and said funds shall be known as the "fish and game protection fund," and no part shall be paid out by him except by approval of the said board.

Use of funds. Restock with fish and game. Fees collected and paid to treasurer monthly.

SEC. 12. The open season for fish or game shall be as follows:

Open season defined.

<i>Name of species</i>	<i>Open season</i>	
Squirrel	November 1st to February 1st	Squirrel.
Rabbit	Open	Rabbit.
Deer	August 15th to January 1st	Deer.
Bear	Open	Bear.
Raccoon	November 1st to March 1st	Raccoon.
Opossum	November 1st to March 1st	Opossum.
Mink	November 1st to March 1st	Mink.
Skunk	November 1st to March 1st	Skunk.
Otter	November 1st to March 1st	Otter.
Wildcat	Open	Wildcat.
Muskrat	November 1st to March 1st	Muskrat.
Gray and red fox.....	Open	Gray and red fox.

<i>Name of species</i>	<i>Open season</i>
Quail.	Quail November 1st to March 1st
Wild turkey.	Wild turkey November 1st to March 1st
Ducks, geese, brant, Wilson snipes.	Ducks (except wood duck and eider duck), geese, brant, Wilson snipe..... All migratory birds
Coot, gallinules.	Coot, gallinules November 1st to March 1st
Yellow legs.	Yellow legs November 1st to March 1st
Woodcock.	Woodcock Closed
Dove.	Dove November 1st to March 1st
Swan, wood duck, eider duck.	Swan, wood duck, eider duck and all shore and beach birds for which no open season is pro- vided. No open season..... Closed

Bag limits.

Bag limits. It shall be unlawful to take in the period of time set opposite each individual name of species in the following table a greater number of each species of bird or animal than is enumerated in the column of the said table headed "Bag limit":

<i>Name of species</i>	<i>Period of time</i>	<i>Bag limit</i>
Squirrel.....	in one day.....	10
Deer.....	in one day.....	2
Deer.....	in one season.....	4
Quail.....	in one day.....	10
Wild turkey.....	in one day.....	2
Wild turkey.....	in one season.....	8
Ducks in the aggregate		
of all kinds.....	in one day.....	25
Geese.....	in one day.....	8
Brant.....	in one day.....	8
Rails, coots, gallinules, in		
the aggregate of all kinds....	in one day.....	25
Black-bellied and golden		
plover, greater and lesser		
yellow legs, in the aggre-		
gate of all kinds.....	in one day.....	15
Dove.....	in one day.....	25
Woodcock.....	in one day.....	no open season

The open season for all game and game birds not herein provided for shall remain as it now is, except that no person shall during any one day, take more than fifty perch from the waters of Beaufort County, except by net or trap, and then only in the open days or season.

Open season for all game not mentioned herein shall remain as now provided by law.

SEC. 13. That it shall be unlawful for any person to hunt during the open season in Beaufort County, except on Tuesday, Thursday and Saturday, and it shall be unlawful for any person to fish in the fresh waters of Beaufort County with reel and rod, except on Monday, Wednesday and Friday, and then only in the open season.

May hunt Tuesday, Thursday and Saturday; fish Monday, Wednesday and Friday.

SEC. 14. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars for the first offense, and not less than twenty-five dollars for the second offense, and any person convicted more than once in any one year shall forfeit his license for the remainder of that year.

Violation misdemeanor; fine.

Forfeits license, remainder of year.

SEC. 15. The license year under this act shall begin April first and shall end March thirty-first in each year.

License period.

SEC. 16. If any clause, sentence, or any part of this act shall, for any reason, be adjudged invalid, such judgment shall not affect or impair the remainder thereof.

If any section declared invalid only affects such section.

SEC. 17. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 624

AN ACT SUPPLEMENTAL TO AN ACT, ENTITLED AN ACT TO PROTECT THE HIGHWAYS OF CASWELL COUNTY, BEING H. B. No. 554, S. B. No. 540, FILE No. 269.

The General Assembly of North Carolina do enact:

SECTION 1. Amend House bill number five hundred and fifty-four, Senate bill number five hundred and forty, ratified February twenty-fourth, one thousand nine hundred and twenty-five, file number two hundred sixty-nine, as follows: Strike out all of section one thereof and insert in lieu thereof as section one the following:

Supplemental act.

"Section 1. That it shall be unlawful for any person, firm or corporation to willfully operate upon the public roads of Caswell County, when the roads are in a wet and boggy condition, any trucks of the capacity of one and one-half tons and over, any log wagons, any traction engines or vehicles that would do a like damage to the roads. Traction engines with cleats on the wheels are also forbidden when roads are dry and firm except in case of emergency."

Unlawful to operate log wagons, etc.

Except in cases of emergency.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 625

AN ACT TO PROTECT AND CONSERVE THE GAME OF PERSON, GRANVILLE, CASWELL AND FRANKLIN COUNTIES.

The General Assembly of North Carolina do enact:

Game law.

SECTION 1. That it shall be unlawful for any person to shoot, net, trap, or otherwise take, kill or destroy any wild turkey, quail or partridge or other game birds at any time during any year in Person, Granville, Caswell and Franklin counties, except between the fifteenth day of November and the fifteenth day of February of the following year.

Opossum, rabbits, fox and squirrels.

SEC. 2. That it shall be unlawful for any person to hunt, kill, or destroy any opossum, rabbits, fox and squirrels except between the first day of September to the fifteenth day of February of the following year: *Provided*, that the owners of land may at any time during the year kill opossum, rabbits, fox and squirrel if they prove destructive to crops or domestic fowls.

Deer.

SEC. 3. That it shall be unlawful for any person to hunt, kill or destroy any deer except between November the first and February first of the following year.

Fifteen quail and two wild turkeys in one day.

SEC. 4. That it shall be unlawful for any person to shoot, net, trap or otherwise take, or kill more than fifteen quail or partridges; two wild turkeys in any one day.

Nonresidents to obtain licenses; fees to be paid to treasurer for benefit of school fund; sheriff to issue licenses.

SEC. 5. That all nonresidents of North Carolina, before hunting in Person, Granville, Caswell and Franklin counties, shall pay a license fee of ten dollars and fifty cents to the sheriff of each of the above-named counties in which hunting privilege is granted; that all noncounty residents of the counties of Person, Granville, Caswell and Franklin shall pay a license fee of three dollars and fifty cents to the sheriff of each of the above-named counties in which an annual hunting privilege is granted; the same to go to the school fund, except fifty cents shall be allowed the sheriff for each license issued; said sheriff of said counties shall keep a record of same, and such nonresidents shall carry with him the license issued him as aforesaid and produce and show same when required to do so by the game wardens of the county or by any sheriff, deputy sheriff or constable of said counties. The nonresident license is not required of nonresidents hunting on parents' lands.

Game warden may be appointed.

SEC. 6. That the county commissioners of said counties may, in their discretion, appoint a game warden for each township to assist the sheriff in enforcing this law.

SEC. 7. That all persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars, or imprisonment not more than thirty days.

Violation
misdemeanor.

SEC. 8. That no person in said counties shall sell or offer for sale any quail or partridge to any person, corporation, hotel or restaurant, or ship or otherwise send any quail or partridge outside of the said counties, except a nonresident who has secured his hunting license and paid the required fee as herein provided, and said nonresident shall be permitted only to carry out quail or partridge which he himself killed.

Unlawful to
sell quail or
partridge.

SEC. 9. That this act shall apply to the counties of Person, Granville, Caswell and Franklin only.

Application
of act.

SEC. 10. That all laws and clauses of laws relative to Person, Granville, Caswell and Franklin counties in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 626

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AMEND CHAPTER 133 OF THE PUBLIC-LOCAL LAWS OF 1919, RELATIVE TO THE CLERK HIRE OF CERTAIN OFFICERS OF ROBESON COUNTY PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY AND BEING H. B. 322 AND S. B. 126, RATIFIED ON FEBRUARY 2, 1925, AND BEING FILE No. 44.

The General Assembly of North Carolina do enact:

SECTION 1. That said act be amended by striking out the words and figures "three thousand dollars (\$3,000)," in line eight thereof, and inserting in lieu thereof the words and figures "twenty-eight hundred dollars (\$2,800)." Amend said section further by striking out, in line thirteen thereof, the words and figures "three thousand dollars (\$3,000)" and inserting in lieu thereof the words and figures "thirty-two hundred dollars (\$3,200)."

Supplemental
act.

Relating to
salary of
clerk of court
and 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 force from and after April first, one thousand nine hundred and twenty-five.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 627

SUBSTITUTE BILL H. B. No. 765, S. B. No. 627 ENTITLED
A BILL TO BE ENTITLED AN ACT TO PERMIT HYDE
COUNTY OR ANY COMMUNITY IN HYDE COUNTY TO EX-
CLUDE ITSELF FROM STOCK LAW TERRITORY.

The General Assembly of North Carolina do enact:

SECTION 1. That three (3) certain sections of Hyde County, known as the New Lake section, Waupoppin section and Mount Pleasant section, and such other territory in Hyde County similarly located and of the same character in respect to farming or cultivated lands as the three sections above mentioned, may, by petition setting forth the boundaries of the proposed section or district, directed to the board of county commissioners, signed by a majority of the freeholders within said sections, request that an election be held to determine whether or not said sections may be excluded from the operation of the State-wide stock law, upon terms hereinafter set forth, and it shall be the duty of said commissioners upon receiving such petition to call such election at which all persons owning land within said sections shall be entitled to vote. Said election shall be conducted and the vote canvassed in the same manner as other elections, and at said election there shall be submitted to the voters two ballots, one "For exemption," and one "Against exemption," and a majority of the qualified voters in the said section, or sections, shall determine the result of the said election: *Provided*, that whenever a petition is presented by residents of the sections above referred to, there shall be deposited with the board of county commissioners a sufficient sum of money to cover the costs of said election: *Provided further*, that in the event said election carries in any one or more sections, the petitioners shall construct and maintain an adequate fence, at their own cost and expense, around the boundary or boundaries of said exempted district, but any stream, canal or other watercourse forming a part of the boundary of said section or district shall, when of sufficient size for the purpose intended, be deemed an adequate fence: *Provided further*, that in said section, or sections, which have been exempted from the operations of the State-wide stock law there shall be no obstruction of any kind placed upon any State highway or main public road in said Hyde County: *Provided further*, that the boundary or boundaries, of said excluded section or sections shall not be extended so as to include any farming lands lying contiguous or adjacent to said exempted territory.

Election
may be held.

Excluded from
stock law
territory.

Election to be
held and
conducted as
other
elections.

Ballots.

If election called,
a sufficient
sum of money
must be paid
to commissioner
to cover cost
of election.

Boundaries.

SEC. 2. That no section shall be permitted to avail itself of the provisions of this act until tick eradication is completed in Hyde County. Limitations
of act
effective.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 628

AN ACT, AN ACT TO BE ENTITLED AN ACT SUPPLEMENTAL TO H. B. 1312, S. B. 1273, SESSION 1925, ENTITLED AN ACT TO AMEND SECTION 1, CHAPTER 3 OF PUBLIC-LOCAL AND PRIVATE LAWS OF THE EXTRA SESSION OF 1921, RELATIVE TO COMMISSION ALLOWED THE SHERIFF OF WAKE COUNTY FOR COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one (1) of House bill number one thousand three hundred and twelve, Senate bill number one thousand two hundred and seventy-three, as follows: Strike out in line six (6) thereof the words "one and one-half" and insert in lieu thereof the words "two and one-half."

Supplemental act.

Increasing commissions allowed sheriff from 1½ to 2½ per cent.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 629

AN ACT TO PROVIDE FOR A TAX COLLECTOR FOR MOORE COUNTY AND AUTHORIZING THE COUNTY COMMISSIONERS OF SAID COUNTY TO FIX THE SALARY OF SAID TAX COLLECTOR AND THE SALARY OF THE SHERIFF.

The General Assembly of North Carolina do enact:

SECTION 1. That the office of tax collector of Moore County be and the same is hereby created, and it shall be the duty of the county commissioners of Moore County, on or before the first day of October, one thousand nine hundred and twenty-five, to select and appoint a competent person as tax collector, who shall hold said office during the pleasure of the board, and it shall likewise be the duty of said board of commissioners, upon

Tax collector's office created.

Appointed by county commissioners.

Vacancies;
how filled.

said office becoming vacant through death, resignation, or otherwise, to fill such vacancy by like appointment.

Duties
defined.

SEC. 2. The tax collector of Moore County thus appointed shall, from and after the first day of October, one thousand nine hundred and twenty-five, take over, exercise, and succeed to all of the powers, duties, and privileges now or hereafter conferred upon sheriffs by law with respect to the collection of taxes and special assessments collected as taxes within said county, including the authority and duty of enforcing the payment of taxes and assessments by distraint, levy, garnishment, or other process, the execution of tax sales and certificates, and generally to perform all functions with respect to the collection of taxes which are now or hereafter may be vested in sheriffs by law.

Bond to
be given.

SEC. 3. The board of commissioners, before turning over any tax list to said tax collector, shall require him to give such bond or bonds for the faithful collection and accounting for the tax lists which go into his hands as are now or may be hereafter required of sheriffs when performing the duty of tax collector, the cost of such bonds to be borne by the county.

Cost of bond
paid by county.

Limitations
on former
official.

SEC. 4. Nothing herein contained shall be construed as relieving the sheriffs from collecting and accounting for any taxes collected by him or which should have been collected by him prior to October one, one thousand nine hundred and twenty-five, or as relieving the sureties upon any official bond given by him from liability on account of the same: *Provided*, that nothing herein contained shall prevent the board of commissioners, by appropriate order, from vesting the tax collector with the collection of back taxes from the collection of which the sheriff and his sureties may have been lawfully relieved.

Back taxes
collected.

To fix salary.

SEC. 5. The tax collector, whose office is created by this act, shall be paid a salary to be fixed by the board of commissioners of Moore County, payable monthly, and in addition thereto the commissioners may in their discretion authorize said collector to retain as additional compensation legal fees authorized to be charged by law as costs in case of levy, garnishment, or other process for the enforced collection of taxes or any part or percentage thereof.

Legal fees.

Garnishment.

Sheriff's fees.

SEC. 6. The sheriff of Moore County, on and after the first day of October, one thousand nine hundred and twenty-five, shall receive as compensation all fees, costs, and other allowances now received and paid to the sheriff of Moore County, exclusive of commissions or other compensation in or connected with the collection of taxes, and in addition thereto the said sheriff shall be paid by the board of county commissioners a salary to be fixed by said board, the same to be payable monthly.

Salary to be
fixed by county
commissioners.
Payable
monthly.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed: *Provided*, the provisions of this act shall not take effect and be in force until the same are approved by a resolution of the board of commissioners of Moore County. Effective when approved by county commissioners.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 630

AN ACT TO ENABLE LEE COUNTY TO ESTABLISH AND MAINTAIN A PUBLIC MEMORIAL HOSPITAL, TO LEVY A TAX AND ISSUE BONDS THEREFOR, APPOINT HOSPITAL TRUSTEES, MAINTAIN A TRAINING SCHOOL FOR NURSES, ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lee County, North Carolina, may, by a majority of said board, or upon petition of two hundred voters of said county, shall, after thirty days notice at the courthouse door and publication in one or more newspapers in said county for thirty days, order an election to be held at such time as they may fix, to determine the will of the people of the county whether there shall be issued and sold bonds to an amount not to exceed one hundred thousand dollars (\$100,000), to bear interest at not exceeding six per cent per annum, and to be payable, both principal and interest, when and where they may decide, and to levy a tax of not exceeding ten cents on the one hundred dollars valuation of property and thirty cents on the poll. The proceeds of said bonds to be used in securing lands and erecting or altering buildings and equipping same, to be used as a public hospital, and said tax to be levied to pay the interest on said bonds, and to provide a sinking fund to pay said bonds at maturity, and for the maintenance of said hospital. If the majority of the qualified voters at said election shall vote in favor of the issuing of said bonds and the levying of said tax, then said bonds, or such part thereof as the said board of commissioners may determine, shall be issued and sold by said board, said tax, or such part thereof as shall be required, shall be levied. The hospital so erected from the sale of said bonds shall be known as "Lee County memorial hospital" in honor of the soldiers

Petition filed.

Notice published courthouse door and in newspaper for 30 days.

Bond issue \$100,000.

Tax rate.

Proceeds of bonds.

Tax levied to pay bonds and interest.

Lee County memorial hospital.

In memory of world war veterans.

Ballots.

New registration.

County commissioners to appoint election officials. Date fixed for returns to be made. Commissioners to meet and determine election.

If bond issue is not approved another election may be had but not in same year.

If election approved bonds issued.

Disbursed on order hospital trustees.

To purchase sites, erect buildings, etc.

Taxes levied and collected to be kept in two separate accounts.

Interest and sinking fund.

Maintenance fund.

May lend sinking fund.

from Lee County in the world war and shall contain a tablet bearing the name of all who lost their lives in the service, as well as a suitable record of all the soldiers from Lee County who were enlisted in the service during the war.

SEC. 2. That at said election those voters favoring the issuing and sale of the bonds and levying of the tax aforesaid, shall vote a written or printed ballot "For memorial hospital," and those opposed shall vote a written or printed ballot "Against memorial hospital," and for said election the county commissioners shall order a new registration, such registration to be only for said special election, and said special election to be governed by the laws of the State, and for said election the county commissioners shall appoint registrars and judges of election, and fix the date for making returns of the election, at which date the county commissioners shall meet and canvass the returns of said election, and declare and record the results of said election. If a majority of the qualified voters shall fail to approve the issue of said bonds and the levy of said tax at the first election held as above provided, then the county commissioners may order another election for the same purpose and in the same manner: *Provided*, said second or any subsequent election shall not be held in the same calendar year as the preceding election.

SEC. 3. If a majority of the qualified voters shall vote "For memorial hospital" at any election held under this act, then the county commissioners shall issue and sell the bonds authorized by said election, for not less than par, and shall pay over the proceeds arising therefrom to the treasurer of Lee County, who shall pay out the same under the orders of the board of hospital trustees, hereinafter provided for, said board of hospital trustees being authorized to use and expend said funds in the purchase of necessary sites, and in the erection and equipment of the necessary building or buildings, for said county memorial hospital, and the taxes which may be levied and collected under this act shall also be paid to the treasurer of Lee County, and by him kept in two separate accounts, one of said accounts being the hospital interest and sinking fund, and the other account the hospital maintenance fund, and from said taxes the said treasurer shall set apart to the hospital interest and sinking fund such part thereof as shall be required to pay interest on the bonds and to provide the necessary sinking fund for the payment of said bonds, and the said treasurer is authorized to lend, upon satisfactory security, the accumulations in said sinking fund from time to time for the best interest obtainable by him, and until the said sinking fund is required for the purpose of pay-

ing off the said bonds, and said treasurer, out of said hospital interest and sinking fund, shall pay the interest on said bonds and the bonds at maturity, but the said treasurer shall not be required to begin with the creation of a sinking fund for the retirement of said bonds before five years from the date of issuing same. The said treasurer shall pay out the moneys set apart to the hospital maintenance fund aforesaid upon the orders of the board of hospital trustees, and it shall be the duty of the board of commissioners of Lee County to annually levy and have collected as other taxes a special tax, not exceeding the limit provided by this act, sufficient to pay the interest on said bonds and to provide the necessary sinking fund for the payment of the same, and also to afford the necessary maintenance fund.

Sinking fund to be available at end of 5 years.

Maintenance funds paid out on order trustees.

SEC. 4. The bonds issued under the provisions of this act shall mature in not exceeding thirty years from date and shall be in such denominations as the county commissioners shall determine, and shall draw interest at a rate not exceeding six per cent annually or semiannually, and said bonds shall be serial bonds, maturing in such amounts as may be determined by the county commissioners, the first installments falling due not later than five years from date of issue of said bonds and the last installment falling due not later than thirty years from date of said issue.

Bonds to mature in not exceeding thirty years.

SEC. 5. Should a majority of the qualified voters of Lee County, under any election held under this act, vote "For memorial hospital," then the the county commissioners shall at once appoint not more than fifteen nor less than seven trustees chosen with reference to their fitness for such office, three of whom may be women, and at least one of whom shall be a member of the board of commissioners of said county, who shall constitute a board of trustees for said memorial hospital and said trustees shall be divided into three groups, the members of the first group being appointed for two years, the members of the second group being appointed for four years, and the members of the third group being appointed for six years, and at the expiration of the term of any trustees so appointed, or thereafter appointed, the county commissioners shall appoint his or her successor for a term of two years, and the county commissioners shall fill any vacancies for unexpired terms. Upon the nomination and endorsement by the county medical society of two practicing physicians for membership on said board of hospital trustees, said county commissioners shall appoint as members of said board of hospital trustees the physicians so nominated and endorsed.

To appoint trustees, not less than seven nor more than fifteen; appointed by board of commissioners.

Trustees divided into three groups.

One group to hold office for two years; one for four years and one for six years.

Two physicians to be nominated and appointed.

Trustees to qualify.

No bond required.

Treasurer shall receive and pay out funds, without compensation from said board.

Trustees to serve without compensation.

Oaths to be filed.

Make and adopt by-laws.

Have exclusive control and management of moneys collected for hospital fund.

To construct buildings.

Care and custody of grounds.

To appoint superintendent and matron; necessary assistants; fix compensation. May remove appointees. Hold monthly meetings. Five constitute a quorum. One trustee to visit and examine hospital at least twice a month. During January of each year to file report with county commissioners.

SEC. 6. The said trustees shall, within ten days after their appointment or election, qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, one as secretary, and by the election of such other officers as they may deem necessary, but no bond shall be required of them. The county treasurer of the county in which such hospital is located shall be treasurer of the board of trustees. The treasurer shall receive and pay out all moneys under the control of said board, as directed by it, but shall receive no compensation from such board. No trustee shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary, and allowed only by the affirmative vote of all the trustees present at a meeting of the board. The board of hospital trustees shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be deemed expedient for the economical and equitable conduct thereof, not inconsistent with this act and the ordinances of the city or town wherein such public hospital is located. They shall have exclusive control of the expenditures of all moneys collected to the credit of the hospital fund, and the purchase of site or sites, the purchase or construction of any hospital building or buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrant drawn by the proper officers of the hospital board. Said board of trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants and fix their compensation, and shall also have the power to remove such appointees; and shall in general carry out the spirit and intent of this act in establishing and maintaining a county public hospital. Such board of trustees shall hold meetings at least once a month, shall keep a complete record of all its proceedings; and five (5) members of such board shall constitute a quorum for the transaction of business. One of said trustees shall visit and examine said hospital at least twice each month, and the board shall, during the first week in January of each year, file with the board of county commissioners of said county a report of their proceedings, with reference to such hospital, and a statement of all receipts and expenditures during the

year; and shall at such time certify the amount necessary to maintain and improve such hospital for the ensuing year. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

Limitation as to purchases when trustees interested.

SEC. 7. The jurisdiction of the city, town or village in or near which public hospital is located shall extend over all lands used for hospital purposes outside the corporate limits, if so located, and all ordinances of such city and town shall be in full force and effect in and over the territory occupied by such public hospital.

Jurisdiction or ordinances.

SEC. 8. The hospital established under this act shall be for the benefit of the inhabitants of Lee County and of any person falling sick or being injured or maimed within its limits; but every inhabitant or person who is not a pauper shall pay to such board of trustees, or such officers as it shall designate for such hospital, a reasonable compensation for occupancy, nursing, care, medicine, or attendance, according to the rules and regulations prescribed by said board, such hospital always being subject to such reasonable rules and regulations as said board may adopt, in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of such hospital any and all inhabitants and persons who shall willfully violate such rules and regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such county, upon such terms and conditions as said board may, from time to time, by its rules and regulations, prescribe.

Benefit of hospital.

Reasonable compensation charged.

Nonresident patients may be accepted.

SEC. 9. When such hospital is established, the physicians, nurses, attendants, the persons therein under care, and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board may prescribe.

Board trustees to make rules and regulations.

SEC. 10. Any person or persons, firm, organization, corporation or society desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest title of the money or personal property or real estate so donated to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise or bequest of such property.

Donations may be made.

SEC. 11. In the management of such hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of North Carolina, and all such legal practitioners shall have equal privileges in treating patients in such hospital. The patient shall have the absolute right to em-

No discrimination among practitioners.

Patient may employ physician of own choice.

ploy at his or her own expense, his or her own physician, and when acting for any patient in such hospital the physician employed by such patients shall have exclusive charge of the care and treatment of such patient, and the nurses therein shall as to such patient be subject to the directions of such physician, subject always to such general rules and regulations as shall be established by the board of trustees under the provisions of this act.

Subject to rules and regulations.

Training school for nurses.

SEC. 12. The board of trustees of said hospital may establish and maintain, in connection therewith and as a part of such public hospital, a training school for nurses.

Suitable rooms furnished for examination and detention of insane persons.

SEC. 13. The said board of trustees shall at all times provide a suitable room for the detention and examination of all persons who are brought before the commissioners of insanity for such county: *Provided*, that such public hospital is located at the county seat.

Treatment of tuberculosis provided for.

SEC. 14. That the board of trustees of said hospital are hereby authorized to provide a department of said public hospital, but not necessarily attached thereto, suitable accommodations and means for the care and treatment of persons suffering from tuberculosis, and to formulate such rules and regulations for the government of such persons, and for the protection from infection of other patients and of nurses and attendants in such public hospital as they may deem necessary; and it shall be the duty of all persons in charge of or employed at such hospitals, or residents thereof, to faithfully obey and comply with any and all such rules and regulations. Said board of trustees shall, if practicable, employ as head nurse, to be placed in charge of said public tuberculosis sanatorium, one who has had experience in the management and care of tuberculosis persons.

Must obey and comply with rules and regulations.

Charity patients.

SEC. 15. The board of trustees shall have the power to determine whether or not patients presented at said public hospital for treatment, are subjects of charity, and shall fix the price for compensation for patients other than those unable to assist themselves.

May contract with county commissioners to care for indigent residents.

SEC. 16. The board of trustees may contract with the county commissioners of any county where no suitable provision has been made for the care of indigent residents for the care of such indigent persons upon such reasonable terms as may be agreed upon.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 631

AN ACT TO FIX THE TIMES FOR HOLDING COURTS IN
PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The terms of the Superior Court to be held in Pasquotank County shall be as follows: Ninth Monday before the first Monday in March to continue for two weeks for civil cases only; third Monday before the first Monday in March for civil cases only to continue for one week; second Monday after the first Monday in March for criminal and civil business, to continue for one week; thirteenth Monday after the first Monday in March to continue for three weeks, the first two weeks for civil business only and the third week for criminal and civil business; second Monday after the first Monday in September to continue for one week for civil business only; ninth Monday after the first Monday in September, to continue for two weeks, the first week for criminal and civil business, and the second week for civil business only.

Terms of court
fixed.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 10th day of March, A.D. 1925.

CHAPTER 632

AN ACT TO AMEND CHAPTER 598, PUBLIC-LOCAL LAWS OF
NORTH CAROLINA, SESSION 1919, BEING AN ACT TO
ALLOW THE COUNTY COMMISSIONERS AND ROAD COM-
MISSIONERS TO HIRE OUT THE CHAIN GANG FOR ROAD
WORK IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter five hundred and ninety-eight, Public-Local Laws of North Carolina, session of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out the period at the end of said section and inserting in lieu thereof a comma, and by adding the following at the end thereof: "whether said public roads and bridges be a part of the State highway system or not; and, in case the convicts of the county are used in the construction of any part of the State highway system in said county, then the road commission is authorized to execute the necessary bond with the

Commissioners
may hire out
convicts.

Necessary bonds
to be given.

State Highway Commission for faithful performance of any contract between it and the State Highway Commission.”

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 633

AN ACT TO AUTHORIZE ALAMANCE COUNTY TO ISSUE BONDS FOR ROAD BUILDING.

Preamble.

Whereas, pursuant to the provisions of chapter ninety-six of the Public-Local Laws of nineteen hundred and twenty-one, an election has been held in Alamance County for the purpose of ascertaining whether or not the voters of said county were in favor of raising by taxation and expending one million dollars for the purpose of constructing a system of roads throughout said county and raising by taxation the further sum of two hundred thousand dollars for a general upkeep road fund, and a majority of the voters voting at said election voted in favor of the raising and expending of the said sums; and,

Whereas, in order that the progress of the said road construction work may be expedited, it is deemed advisable to make immediately available the amount of money authorized by the said act to be raised by taxation for road construction and now remaining uncollected: Now, therefore,

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. The board of county commissioners of Alamance County is hereby authorized to issue bonds of the said county in an aggregate principal amount not exceeding seven hundred thousand dollars for the purpose of paying the cost of constructing a system of roads throughout the said county, including the payment of indebtedness heretofore or hereafter incurred for the said purpose. All temporary indebtedness now outstanding incurred by said county for the said purpose is hereby legalized and validated. The board of county commissioners of Alamance County is hereby authorized further to levy annually a special tax ad valorem on all taxable property in said county for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and shall be in addition

Special tax.

to all other taxes which the said board is authorized by law to levy.

SEC. 2. The tax authorized by this act to be levied for the purpose of paying the principal and interest of the said bonds shall be levied in lieu of the special tax for road construction authorized by chapter ninety-six of the Public-Local Laws of nineteen hundred and twenty-one to be levied in the said county; and no tax for road construction shall hereafter be levied pursuant to the said chapter ninety-six of the Public-Local Laws of nineteen hundred and twenty-one. Out of the funds derived from the sale of bonds under this act, the board of county commissioners are hereby authorized to pay and discharge all indebtedness of Alamance County incurred for road construction purposes subsequent to the passage of said chapter ninety-six; and all notes and other evidences of indebtedness issued by said board of county commissioners for road construction purposes subsequent to the passage of said chapter ninety-six are hereby ratified and validated. All funds expended by the board of county commissioners for road construction subsequent to the passage of said chapter ninety-six of the Public-Local Laws of nineteen hundred and twenty-one, including any and all funds derived from the sale of bonds pursuant to this act, shall be apportioned by the board of county commissioners as among the several townships of Alamance County in the manner provided by said chapter ninety-six. There shall be no obligation upon the purchasers of any bonds issued pursuant to this act to see to the apportionment or application of the funds derived from the sale of such bonds.

Purpose of tax.

Discharge of indebtedness.

Funds expended for road construction.

SEC. 3. The said bonds may be issued either all at one time or from time to time in separate issues. The principal of each issue shall mature and be payable in annual installments or series, the first of which annual installments shall be payable not more than three years after date of the bonds of such issue, and the last not more than twenty years after such date. No such installment of principal shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue.

Issuance of bonds.

Maturity.

SEC. 4. The said bonds shall be issued in such form and denominations, shall bear interest at such rates, not exceeding six per centum per annum, payable semiannually, and shall be made payable at such place or places as said board of county commissioners may determine. They may be either coupon bonds or registered bonds, and if issued in coupon form may be made registerable as to principal or as to both principal and

Form; rate of interest; payment.

interest. They shall be signed by the chairman of the board of county commissioners of Alamance County, and the county seal shall be affixed to each bond and attested by the clerk of said board; and the coupons of such bonds shall bear a printed, lithographed or engraved facsimile signature of the said chairman who is in office at the date of said bonds. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid notwithstanding any change in officers occurring after such signings.

Delivery
of bonds.

Bond sale.

SEC. 5. The said bonds shall be sold in the manner provided by the Municipal Finance Act, nineteen hundred and twenty-one, for the sale of municipal bonds.

Additional
powers.

SEC. 6. The powers granted by this act are granted in addition to and not in substitution for existing powers of Alamance County, and are not subject to any limitation or restriction contained in any other act.

Conflicting
acts repealed.

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 634

AN ACT TO VALIDATE CERTAIN BONDS OF CARTERET COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Bonds validated.

SECTION 1. The proceedings of the board of county commissioners of Carteret County authorizing, issuing and selling one hundred and fifty thousand dollars (\$150,000) of road and bridge bonds of said county are hereby validated notwithstanding the failure to observe any limitation prescribed by law upon the amount of bonds which said county may issue.

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

Ratified this the 27th day of February, A.D. 1925.

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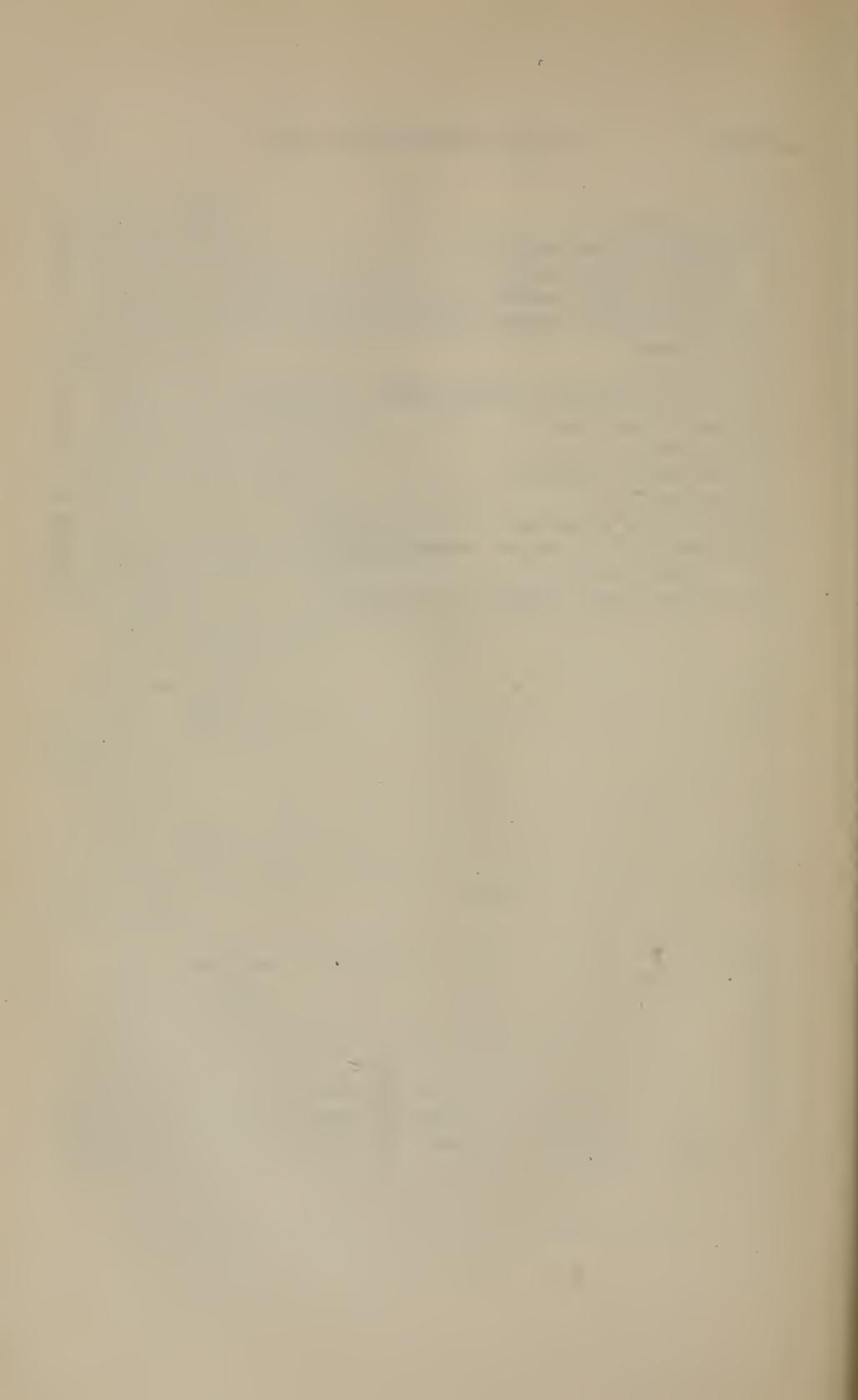
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STATE OF NORTH CAROLINA

PRIVATE LAWS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1925

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE SEVENTH DAY OF JANUARY, A.D. 1925

PUBLISHED BY AUTHORITY

RALEIGH.

EDWARDS & BROUGHTON PRINTING COMPANY

STATE PRINTERS

1925

THE UNIVERSITY OF CHICAGO

PRIVATE LAW

BY

WALTER W. BURNETT

PROFESSOR OF LAW

UNIVERSITY OF CHICAGO

1911

CHICAGO

1911

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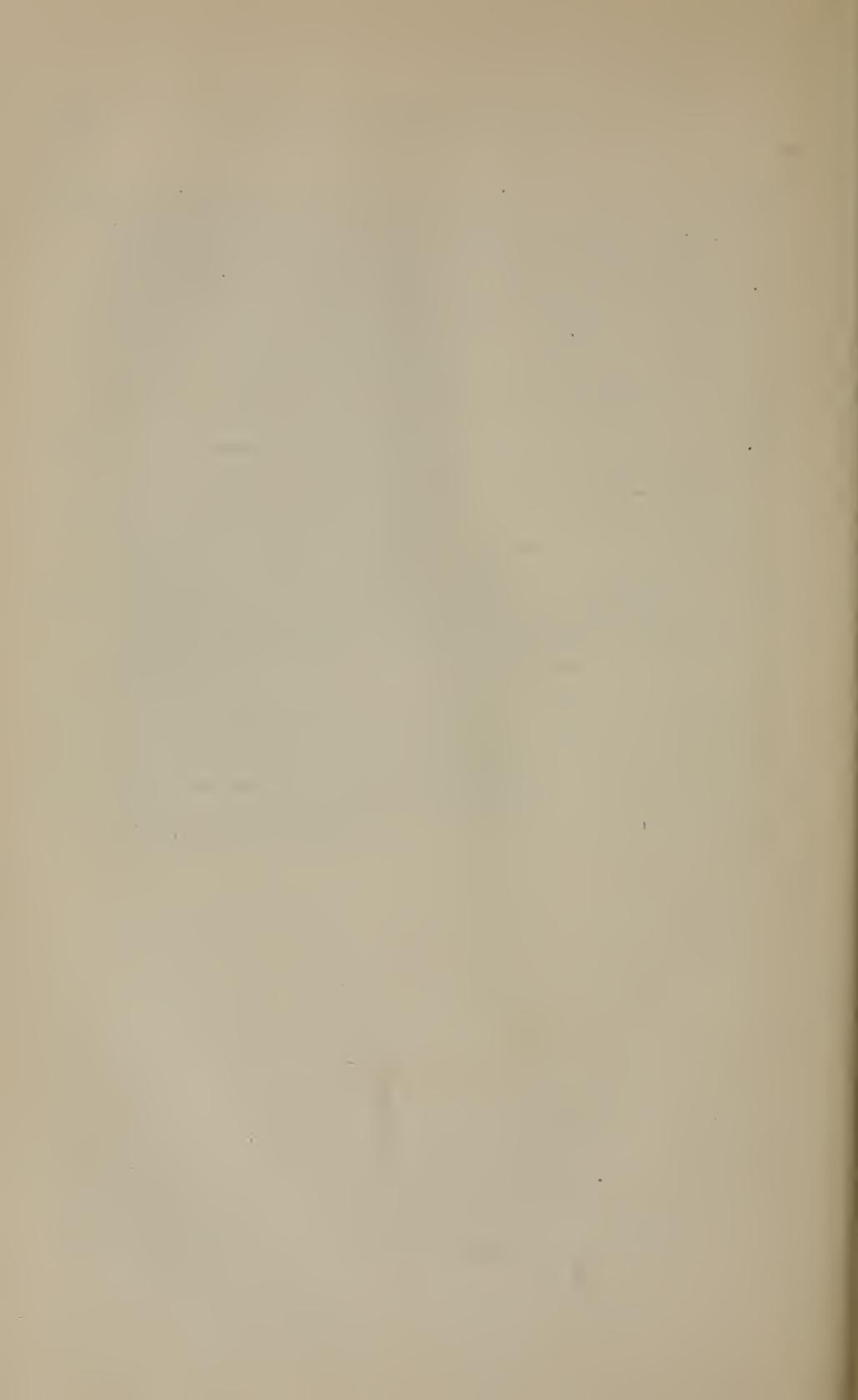
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PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1925

CHAPTER 1

AN ACT TO AUTHORIZE THE TOWN OF WILLIAMSTON TO
BORROW MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Williamston is hereby authorized to issue notes of said town in an aggregate amount not exceeding fifteen thousand dollars for the purpose of paying necessary expenses of said town. The said notes shall mature not more than one year after their date of issue, but may be renewed by the issuance of new notes for a further period of not more than one year. All such notes shall bear interest at a rate not exceeding six per cent per annum, and shall be issued in such form and executed in such manner as the said board of commissioners may direct. They shall be sold at public or private sale at not less than par. The only procedure necessary for the issuance of said notes shall be the passage of an appropriate resolution or resolutions by said board of commissioners and the execution and delivery of the notes pursuant to such resolution. Such resolution need not specify the particular necessary expenses to be paid by means of said notes.

SEC. 2. For the purpose of paying the principal and interest of said notes the said board of commissioners shall have power to levy a sufficient tax on all taxable property in said town.

SEC. 3. The powers conferred by this act are conferred in addition to and not in substitution for the existing powers of the town of Williamston, and are not subject to any limitations or restrictions prescribed by any other act.

Town of Williamston authorized to borrow money, said notes to be issued pursuant to resolution of board of commissioners for necessary expenses, and mature not later than one year after date.

Commissioners authorized to levy a tax to pay principal and interest.

Powers conferred herein are additional powers.

Conflicting acts repealed.

SEC. 4. All acts and parts of acts in conflict with this act are here repealed.

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

- Ratified this the 28th day of January, A.D. 1925.

CHAPTER 2

AN ACT GRANTING A NEW CHARTER TO THE TOWN OF FOREST CITY, RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation. Corporate name.

SECTION 1. *Corporate name.* That all the inhabitants of the town of Forest City, Rutherford County, North Carolina, as the boundaries and limits of the said town are herein established or may be hereafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "town of Forest City," with such powers, rights, and duties as are herein provided.

Powers and duties prescribed.

SEC. 2. *Boundaries.* That the boundaries and corporate limits of said town under this act shall be the same as now exist and the said town shall embrace the territory now embraced within the corporate limits of said town which said corporate limits may be enlarged or altered from time to time as provided by law.

Corporate limits. Corporate boundaries.

SEC. 3. *Platting of property.* That should any property lying within the town limits as established by this act or as hereafter established be hereafter platted in blocks or lots, then and in that event the owners of said property shall plat and lay off the same to conform to the streets and lots abutting on same, and shall file with the mayor a correct map of the same: *Provided,* that any of said streets, at whatever date opened, but when by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the town of Forest City for use as public highways, and when opened shall be cared for as such.

Property platted; a correct map to be filed with the mayor; streets opened to be property of town used as public highways.

Corporate powers.

SEC. 4. *Corporate powers.* (1) The town of Forest City, made a body politic and corporate by this act, shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places, and in all matters whatever; may take, hold, and purchase land as may be needed for the corporate purposes of said town, including the right to acquire property for electric lights and water works, and for water supply, to include source of same, together with watershed and suitable

May purchase and hold real estate.

waterpower for generating electricity for said electric light plant, and may acquire by purchase any real estate necessary in connection therewith, or may by condemnation acquire all of the aforesaid rights and also rights-of-way which may be necessary for the erection of poles, wires, etc., and also for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property when necessary to carry into effect the provisions of this act; and may sell any real estate and personal property owned by it; and render all public services when deemed expedient; and shall have power to open, change, widen or discontinue streets, when promotive of the interest of the public and shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain improve, establish and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatever way or for whatever purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways, and when necessary and generally to make and enforce any and all regulations in respect thereof in the judgment of the commissioners requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants or property and public of said town.

(2) When the board of commissioners shall determine to open a new street or to change any street already opened they shall select five disinterested freeholders of said town to lay out such new street or to change existing streets, who shall, when notified, at once proceed to locate the new and make such changes in the old streets as may have been determined upon by the said board, and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration, in estimating said damages, the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. The said freeholders shall make, within five days of the notice of their selection as a jury, a full written report of their actions and their findings to the board of commissioners, who shall cause the same to be published in some newspaper having a general circulation in

Right of eminent domain. Open, change, and continue widen streets.

May establish public parks and public grounds and regulate the use thereof.

May suppress the opening thereof.

May protect the health of the inhabitants.

Powers of commissioners to open streets. Select freeholders for this purpose, change old streets.

The jury to assess damages, and in assessing damages, take in consideration the benefits to the landowners and the damages to the landowners. The jury to report in five days; their report to be published.

Copy of report to be served on property owners.

Property owner may file exceptions within ten days. Commissioners to fix date of hearing. Commissioners may confirm report.

Parties interested may appeal within ten days to the Superior Court. Bond to be given by appellant. The amount to be fixed by the mayor. Such appeal shall not impede the progress of such improvement. No improvement shall be made until damages assessed shall have been paid or tendered. If refused, deposited in the clerk's office.

Officers; powers and duties.

Mayor and five commissioners. Said officers to be elected biennially under the election laws of North Carolina.

Mayor, commissioners and other officers shall be subject to the general laws of the State in such cases.

Rutherford County at least once for four successive weeks from the time of making said report, or in lieu thereof they may serve a copy of said report upon the property owners affected thereby. Any person interested may within ten days after the last publication of said notice as before provided, or within ten days after actual service of a copy of said report as hereinbefore provided, file with the secretary of the said commissioners written exceptions to said report, and the commissioners shall fix a time certain, within five days from filing of such exceptions, for hearing and determining the same, and if said report shall upon such hearing be confirmed by said council, one day's notice of which hearing shall be given the parties interested, any person affected by said report and confirmation may within ten days of such confirmation appeal to the next term of the Superior Court of Rutherford County by filing a bond in a sum not exceeding two hundred dollars, the amount to be fixed by the mayor, and give such notice to the board of commissioners of said town as is required by law in cases of appeal from justices' courts, and such appeal shall not stay nor impede the progress of such improvement: *Provided*, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the Superior Court of Rutherford County, to abide the result of the appeal then pending.

SEC. 5. *Officers.* All powers conferred on the town of Forest City and the administration of the government of said town shall be exercised by and vested in a principal officer styled the mayor, and five commissioners, who shall be designated as the board of commissioners, the said mayor and commissioners to be elected biennially and at the times provided for in the general laws of the State. The board of commissioners shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and in harmony with the Constitution and laws of the United States and the Constitution of North Carolina, and in the absence of the exercise of this power by the board of commissioners, all elections shall be held in accordance with the provisions of the general laws of the State for the holding of elections by municipalities.

2. The mayor and board of commissioners, together with such subordinate officers as they may from time to time elect or appoint, shall have all powers, privileges, and emoluments, and shall be subject to all forfeits, pains, and penalties granted,

provided for, and imposed by the general laws of the State appertaining or referring thereto, not in conflict with the provisions of this act. The mayor shall be ex officio president of the said commissioners and shall have and exercise all the powers incident to his office, and shall have the right to vote in all cases where there is a tie in the vote of the board of commissioners.

The mayor to be the ex officio president of the commissioners. Shall have the right to vote in case of a tie.

3. The present mayor and board of commissioners of the town of Forest City shall hold their office until the next general election to be held the first Tuesday after the first Monday in May, and shall have all the powers granted them by the general law of the State, and also by the provisions of this act after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

The present mayor and board of commissioners will hold office until their successors are elected and qualified. Election to be held in May.

4. It shall be the duty of the commissioners to elect, at their first meeting after their election and qualification, a mayor pro tem., and in case of death, absence, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor pro tem. shall act as mayor, and shall possess all rights and powers of the mayor and perform all the duties and receive his salary, under the official title, however, of "mayor pro tem.," until his successor is elected and qualified, which election shall be by the board of commissioners for the purpose of filling the said vacancy as soon as practicable after same occurs.

Commissioners to elect mayor pro tem, who shall perform the duties of of mayor in certain instances.

Board of commissioners may fill office of mayor in case of a vacancy.

5. In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the board of commissioners by a majority vote of all members of same, but shall be given an opportunity to be heard in his defense, in person and by counsel, and shall have the right to have process issued to compel the attendance of witnesses.

Mayor may be removed from office, but shall have opportunity of being heard before removal. May have counsel and compel the attendance of witnesses.

6. All ordinances and resolutions of the board of commissioners before same take effect, shall be approved and signed by the mayor, but it shall be his duty to approve and sign same whenever the same have been passed by a majority vote of the commissioners.

All ordinances to be signed by the mayor.

His duty to sign same.

7. A majority of the members of the commissioners shall constitute a quorum to do business, and shall sit with open doors and shall keep a correct minute or journal of their proceedings, which likewise shall be public. All ordinances, resolutions, or motions passed or adopted shall be spread upon the minutes, to be kept by the secretary or clerk of the board of commissioners.

Majority commissioners constitute a quorum. Sit with open doors. Keep correct copy of proceedings which shall be public. Secretary to keep the record.

Commissioners to appoint town marshal and other officers.

To prescribe their duties; to fix compensation.

To publish statement disbursements.

Before entering office must take oath. Oaths to be recorded.

Meet weekly.

To levy tax in August of each year. Tax levy based upon tax list of the preceding year.

Special taxes may be levied and collected.

May prescribe rules for the collection of taxes.

Unless otherwise prescribed assessed under the general law.

Ordinances passed by majority vote at any meeting. Ordinance takes effect immediately unless provided otherwise.

8. The commissioners of the town of Forest City shall have power and it shall be their duty to appoint a town marshal or town marshals, police officers, superintendent of waterworks and lights, street committees and other committees, and such other subordinate officers and committees as the necessities of the case may require from time to time, and to prescribe the terms of their offices, their duties, and fix their salaries or compensations.

9. The board of commissioners of the town of Forest City shall publish annually a detailed, full and complete statement of the receipts and disbursements of the said town.

10. Before entering upon the duties of their office the mayor and each member of the board of commissioners shall take and subscribe an oath of office which shall include the oath to support the Constitution of the United States, the Constitution of North Carolina, and in addition thereto, that they will faithfully, honestly, and impartially discharge the duties of their office, which oaths of office shall be written and prescribed in a book kept for that purpose.

11. It shall be the duty of the major and commissioners of said town to meet once in each week, which said meeting shall be held on Friday night of each week.

12. The board of commissioners at its first meeting in the month of August of each year, or as soon thereafter as is practicable, shall levy the annual tax for such year, which levy may be based upon the tax list of the preceding year if for any reason the tax lister shall fail to make his returns of the taxes for the present year by said date, but special taxes or assessments allowed by this charter may be levied, assessed, and collected at such times as the board of commissioners in each case may prescribe. The board of commissioners shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing, and collection of any taxes provided for in this charter. Unless otherwise provided by this act and by ordinances passed thereunder, all property in such town liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, in so far as is applicable.

13. The mayor and board of commissioners may pass any and all ordinances deemed expedient by said mayor and board of commissioners at any regular or special meeting thereof by a majority vote of said board of commissioners, and all ordinances so passed shall take effect upon the passage thereof, unless

otherwise provided in said ordinance: *Provided, however, that ordinances granting franchises shall lie upon the table for thirty (30) days after the same are introduced before same shall be passed and become effective.*

14. That all ordinances passed by the board of commissioners of said town shall be recorded upon the minutes of the proceedings of said town board and the same shall be published by posting a copy of same for one week at the door of the mayor's office of said town on a bulletin board which shall be provided for that purpose and kept at said door, and that said board of commissioners may have published any ordinance adopted by them, if they deem it advisable, by having a copy of same inserted in some newspaper published in the town of Forest City for one week.

15. The board of commissioners shall have the management and control of the finances of the town, except as otherwise herein provided. They shall have the right and power to appropriate money and provide for the payment of debts and expenses of the town; to provide by ordinances or resolutions special funds for special purposes provided under the provisions of this charter, and to make the same disbursable only to said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance or resolution for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time be issued or which have previously been issued. The town board shall also have the power to fund or refund by ordinances or resolutions the whole or any part of the existing debts of the town without submitting same to a vote of the citizens of the town, and any future debts without submitting same to a vote of the citizens of the town, if said debts were contracted for necessary expenses of the town, by acquiring and canceling the evidences thereof, and to issue bonds in lieu thereof, either registered or coupon bonds, bearing interest at a rate not greater than six per cent, and to this end may apply any sinking fund belonging to any series of bonds to refund it, and may pay and retire any bond by using the sinking fund thereof.

16. If a vacancy should occur in the town board, the remaining members of the board shall elect some person to fill the unexpired term of such office.

17. The board of commissioners of the town of Forest City are empowered and it shall be their duty, at their first meeting after their election and qualification, or as soon thereafter as is practicable, to elect a town attorney and a town secretary and treasurer, and fix their salaries and prescribe the term of their

Ordinance granting franchise shall lie on the table thirty days after being introduced.

Ordinance to be recorded in the minutes. A copy posted for one week on bulletin board.

May have ordinance published in newspaper.

Commissioners to have control of finances.

To appropriate money to pay debts and expenses.

To provide ordinances for special funds and special purposes.

To impose proper penalties. To pay outstanding indebtedness.

To fund or refund debts without submitting to the vote of the people, if said debts were contracted for necessary expenses.

To issue bonds. To fix rate of interest.

Vacancy in board to be filled by remaining members.

Shall elect attorney, secretary and treasurer. Fix their salaries. Specify their duties.

Fix bond of treasurer.
 Fix term of office.
 Mayor shall convene court on each day except Sunday.
 The mayor may deputize any citizen to execute warrants.
 Mayor may issue warrants for offenses committed in his presence.
 Commissioners may prescribe penalties.
 Mayor may fine or imprison persons convicted of crime over which he has jurisdiction.
 Mayor may imprison for failure to pay fine and cost.
 Mayor sentence to work on roads.
 Mayor may be hired out by commissioners.
 Marshal or police shall make arrests in any part of Rutherford County for violation of town laws.
 Commissioners may require additional duties from officers.
 Shall define and prescribe the duties of all officers, whether elected or appointed.
 To fix the compensation.
 Prescribe qualifications of the board, mayor and other officers.
 To administer oaths.
 To require such bonds as may be deemed proper.

office and specify their duties, and the amount of bond to be required by the said treasurer.

18. The mayor shall convene court at ten o'clock on each day, except Sunday, whenever necessary for the purpose of trying actions or suits brought before him: *Provided*, that he may convene court at any other hour when deemed necessary by him.

19. That the mayor shall have the power to deputize any citizen to execute his warrants in the absence of an officer, and shall also have the power to issue his warrants for the arrest and apprehension of offenders against the law without complaint upon oath, when the offense for which a person is to be arrested is committed in the presence of the mayor.

20. That for the violation of any ordinance or by-law made by said board of commissioners, they may prescribe penalties not to exceed a fine of two hundred dollars (\$200), or imprisonment for ninety (90) days for each offense. The mayor shall have the power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and any such person so convicted when sentenced to a term of imprisonment by the mayor, or upon his failure to pay the fine and cost imposed by the mayor for such offense, may be imprisoned in the calaboose or jail for the term specified in the order of the court, not to exceed the term of ninety (90) days, and such persons so imprisoned may be required to work on the streets of the town of Forest City, or upon the public roads of Rutherford County, or hired out by the board of commissioners during the term of his said imprisonment.

21. The town marshal or police, or any subordinate officer of like kind, shall have the right to make arrests in any part of the county of Rutherford under a warrant issued by the mayor for any violation of the town laws.

22. The board of commissioners shall have the power from time to time to require further and other duties from all officers whose duties are herein prescribed, and to describe and define the powers and duties of all officers elected to any office under this act whose duties are not herein specifically mentioned, and to fix their compensation, and prescribe the qualifications of members of their board, the mayor and other officers of said town; and the mayor and mayor pro tem. are authorized to administer oaths in the municipal affairs of the town. The board shall also require bonds to be given to the town by such officers as they may deem proper, for the faithful performance of their duties, and may require new bonds to be given by such officers whenever, in their judgment, the existing bond is insufficient. Failure or refusal on the part of any such officer to execute such bond shall be sufficient ground for his discharge by the board of com-

missioners. All officers appointed by the said board of commissioners shall hold their terms only till the expiration of the term of such board, and any vacancies filled by the board shall be filled only for the unexpired time.

Vacancies to be filled for expired term only.

23. The town of Forest City shall have the power to enact and enforce all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order, and security of the town and its inhabitants; to protect the lives, health and property of all the inhabitants of said town, and to enact and to enforce any and all ordinances upon any subject: *Provided*, that no ordinance shall be enacted contrary to the provisions of this charter or inconsistent with the Constitution and laws of the United States or the Constitution of North Carolina; and *provided further*, that the specifications of particular powers shall never be construed as limitation upon the general powers herein granted, or given the town of Forest City as a municipality by the general laws of the State, it being the intention of this act to bestow upon the said town full powers of self-government. All ordinances of the town when printed and published and bearing on the title page thereof the words "Ordained and published by the board of commissioners of the town of Forest City," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

May enact ordinances for protection of health, etc.

No ordinance contrary to constitution of North Carolina or U. S. A.

Self-government. Ordinances received in evidence.

24. When it shall be necessary for the preservation of public peace, good order, or common decency or the protection of life, liberty, person, or property of individuals, the town marshal or other arresting officers of said town shall have power, and it shall be the duty of such officers, to arrest the body of the offending parties who have violated the law in the presence of such marshal or other arresting officer, without warrant, and to take them as early as practicable before the mayor, to be dealt with as the law directs; and if necessary, the marshal or other arresting officer shall have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called who refuses or fails to assist shall, upon conviction before the mayor, be punished as prescribed by the ordinances and laws of said town.

May make arrest without warrant. May summon bystander to assist.

25. Said town shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies, hogpens, or other buildings in the town which on inspection shall be found to be unhealthy, unsanitary to persons or property, and to cause the same to be abated or removed at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the board of commissioners,

The town shall have the power to condemn certain nuisances, buildings, etc.

shall reconstruct the same in such a manner as shall be prescribed by the laws of the town; and when any building in the town from any cause shall become a nuisance on account of its liability to fire or from insecure foundation or imperfect construction or any other cause, rendering it dangerous, or being the abode of immoral and indecent or illegal business or conduct, or offensive to the senses, the board of commissioners shall have power to remove or destroy same when necessary to abate such nuisance, and they shall likewise have the power at all times to prevent the erection or construction of such buildings.

May prevent the erection of certain buildings.

Regulate sanitary conditions.

25 (a). The board of commissioners shall have power and control over all alleys, lots, cellars, privies, stables, wells, cisterns, and other places of like character within the corporate limits of said town, and shall have the power to cause same to be kept clean, decent and in a sanitary condition.

Regulate sale of fertilizers. Regulate limits within town in which certain livestock may be kept.

26. The board of commissioners shall have power to control and direct the manner and place in which commercial fertilizers or any other disagreeable commodity or any dangerous or explosive substance shall be stored or kept within the corporate limits of said town. They shall likewise have power to make such laws, rules and regulations as may be necessary relative to hogs, cattle, dogs, or other livestock which may be kept within the limits of said town.

May compel construction of sidewalks.

SEC. 6. *Sidewalks.* The town of Forest City may by appropriate penal ordinances compel construction and laying of sidewalks by property-owners in front of or abutting on their land or property, and may prescribe the character of such sidewalks and the manner in which same shall be laid, and the penalties to be incurred for violation of such ordinances. Should any person or corporation owning lands in the town of Forest City fail to construct sidewalks in front of or abutting on their property in accordance with the ordinance passed by the town of Forest City, in addition to the penalty provided for herein, the town of Forest City shall have the right to have said sidewalks constructed in accordance with such ordinance, at the expense of the abutting property-owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing said sidewalks: *Provided*, the town shall first establish a reasonable grade and place a curbstone at the expense of the town.

Prescribe penalty for violation of ordinances.

May have sidewalks constructed at expense of property owner.

Town establish reasonable grade and provide curbstone.

Real estate, etc., owned by town.

SEC. 7. *Real estate, etc., owned by the town.* All real estate owned in fee simple title or held by lease, sufferance, easement, or otherwise; all public buildings, schoolhouses, fire-engine stations, transformer stations, guardhouses, calaboooses, public squares, parks, streets, alleys, and all property of whatever kind, character, and description, which has been granted, donated, pur-

chased, or otherwise acquired by the town of Forest City through any means or agency, or any property of whatsoever kind, which at any future time may and in any manner be acquired by the said town, and all causes of action, rights or privileges of any kind and character, and all property of whatsoever character or description, which may have been held and controlled by the said town of Forest City for public uses shall vest in and remain in and inure to the said corporation, the town of Forest City, under this act; and all suits and pending actions to which the town of Forest City heretofore was and now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act.

SEC. 8. *Waterworks and electric lights.* The town of Forest City may buy, own, construct, establish, maintain and operate a system of electric lights, sewerage, and waterworks; make, regulate and establish public wells, pumps, cisterns, hydrants, reservoirs, stations, and standpipes anywhere within the said town or beyond the limits thereof for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unsanitary waste of water or any injury to said waterworks or light system, and may pass ordinances for the condemnation of property for the purpose of establishing, enlarging, or maintaining a system of waterworks, electric lights, and sewerage, whether within or without the limits of the said town, conforming the mode and manner of said condemnation proceedings to the rules now prescribed for condemnation of land by railway companies, and may adopt rules and regulations for the management of the waterworks and a sewerage system and electric light plant, and to make and establish a schedule of rates and toll for same, and prescribe the mode and manner of connections therewith, and of the construction of surface pipes, alley laterals and house connections with the water-main, sewerage pipes, or electric light wires. They shall likewise have full power and authority to take such steps as they deem necessary to improve or preserve the purity of the water supply for said town, or any other stream or source from which the town may hereafter obtain its supply of water.

May construct waterworks system and electric lights, etc., and prescribe the manner in which they may be used.

May fix rates for use of water and lights.

Preserve purity of water.

SEC. 9. *Sewer connections.* The town of Forest City may require all owners, tenants, and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the town may construct, own, or control, or that it may acquire by purchase or otherwise, to connect with said sewer or sewerage system all water-closets, sinks, or drains located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether

May require sewer connections.

said system is constructed by the town or is acquired by it by purchase or otherwise; *Provided*, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connections or do any other thing of which the board of commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings by any court of competent jurisdiction; and the tenant or occupant may, when so entitled under the general principal of set-off, use such claim against his claim for liability for rent.

SEC. 10. *Fires and fire limits.* The town of Forest City shall have power to provide means for the protection against and extinguishing of conflagrations, and for the regulations, maintenance, and support of a fire department; and for the purpose of guarding against the calamity of fires may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden or other dangerous buildings within such limits of said town as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden building from one place to another within the said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinances as fire limits shall be made or constructed of fireproof material, the kind and character, extent and quality of which may by ordinance be prescribed and fixed, also may prohibit the repairing of wooden buildings in the fire limits when the same shall have been damaged or become dilapidated, and may also declare all dilapidated buildings to be nuisances, and direct the same to be repaired or removed or abated in such manner as the commissioners may prescribe, and declare all wooden buildings in the fire limits which they may deem dangerous to contiguous buildings, or which may cause or promote fire, to be nuisances, and cause the same to be removed in such manner as may be required, at the expense of the owner, and may further prescribe limits within which only a fireproof roofing may be used, and may prescribe penalties and impose same for violations of such rules and regulations.

1. In addition to the general powers granted by the general law of the State to municipalities and officers thereof, and in addition to those heretofore granted by the charter of said town the officers thereof are hereby granted the following powers and authority, to wit: Whenever the chief of the fire department shall recommend in writing that any building with-

Tenant or occupant compelled to furnish sewer connections, to have lien on property occupied.

To prescribe fire limits, rules and regulations.

Support fire department.

Regulate building of wooden buildings.

Declare certain buildings to be nuisances, and to be repaired or removed.

To prescribe limits for fireproof roofs.

Additional powers. May condemn certain buildings.

in the fire limits of said town is either dangerous to the health of the inhabitants of said town, or is in such condition, or is constructed of such material as to endanger adjoining or adjacent property to fire, or is unsightly and obnoxious to the community in which the same is located, or is in anywise a nuisance, and that for said reason the same should be condemned and removed, or whenever the mayor of the town shall make a like recommendation the said town board may at any regular or special meeting thereof pass a resolution declaring said building to be a nuisance and requiring the owner thereof to remove the same within the time specified in said resolution which shall not be less than three (3) nor more than sixty (60) days from the date thereof, at the expense of the owner thereof. And a copy of said resolution shall be served upon the said property owner and said resolution shall provide the length of time within which the said owner shall commence to remove said building. The owner or owners of any said building who shall fail to comply with the provisions of said ordinance shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollars (\$50) for each day said building is permitted to stand after the time allowed by said ordinance for the removal thereof, or imprisonment for thirty (30) days. And failure to begin to remove said building within the time specified shall likewise constitute an offense under this ordinance for which the defendant shall be subject to a fine of fifty dollars (\$50), or imprisonment for thirty (30) days.

2. Whenever the board of commissioners of said town shall deem it expedient for the reasons set forth in the preceding subsection of this ordinance to remove any such building as therein specified, or when for any other cause they deem it expedient to cause to be removed any building within the fire limits of said town, in addition to the powers granted in the preceding subsection, they shall have the power and authority upon the recommendation of the chief of the fire department or upon the recommendation of the mayor, or upon their own motion to pass or adopt a resolution or ordinance requiring the owner of any building or buildings to appear before the said board of commissioners at a time specified in said ordinance at a regular or special meeting thereof (of which said meeting said owner or owners shall have at least two (2) days notice) and show cause if any he has why said building or buildings should not be condemned and removed from the fire limits of said town. In said notice the town board shall specify the building to be removed and the reasons for removing same, a copy of said notice shall be served upon the said property owner or owners by some marshal or police officer of said town and the said

Limit in which building to be removed.

Copy of resolution to be served to owner of property.

Violation of ordinance misdemeanor; fine or imprisonment.

May compel attendance of owner of property before commissioners. Two days notice to be given.

Notice shall specify building to be removed.

property owners shall have the right to answer said notice at said meeting and be heard, together with any evidence which he may desire to produce, and the said board of commissioners, after hearing the same, together with any evidence which may be offered on the part of the town, shall pass a resolution that the said property shall be condemned or that the same shall not be condemned as they may determine and in event that they shall determine to condemn said property they shall appoint five (5) disinterested freeholders of said town who shall view and inspect said building and pass upon the damages to which the owner of said property may be entitled, if any. Said jury shall be notified of their appointment and shall meet and view said property within five (5) days after receipt of said notice and shall make a written report of their findings to the said board of commissioners within five days after viewing said property, and in said report shall specify the amount of damages, if any, to which the owner shall be entitled for the removal of said property and by reason of said condemnation. It shall be the duty of the said owner, if the said property is condemned, to remove the same at his own expense within the time specified in subsection six of this act, and in the event that the said owner shall fail to remove the same or if said owner shall fail to begin to remove the same within the time specified said town board shall [have] authority to have the same removed and to deduct the cost of removing same from the amount of damages so awarded, if any. And if no damages are awarded, then in that event the town shall have a lien against the land upon which said building stands for the cost of removing same, which may be sued upon and reduced to judgment and collected by execution as in case of other liens. The said property owner shall be furnished a copy of the report of said jury or appraisers and a time shall be fixed by the said town board not less than ten (10) days nor more than twenty (20) days after said report has been filed for a meeting of the board of commissioners when said property owner may file exceptions to the report of said appraisers or jury and the same may be heard at said meeting. Upon the hearing of said report it shall be the duty of the said town board to either confirm or modify said report or appeal to the Superior Court and if any damages are awarded same shall be paid upon the completion of the removal of said building, less the cost of removing same in the event that the owner shall decline or refuse to remove the same and it becomes necessary for the town to so remove the same.

3. The town may appeal to the Superior Court for trial before a jury from the report of said appraisers if it deems it advisable to do so and the property owner may likewise appeal

Commissioners to pass upon condemnation of property.

Five freeholders value same.

Jury to meet within five days.

To make report in five days.

Property condemned only to be removed.

If owner fails to remove property, town board shall do so. Cost to be paid by owner.

Cost of moving may be reduced to judgment and be a lien on the land.

Property owner may file exceptions.

Either party may appeal to Superior Court.

from the said report and order of the board of commissioners approving or modifying the same to the Superior Court at term time for trial before a jury by giving bond in the sum of two hundred dollars (\$200) to cover the costs in said case. The notice and other formalities of appeal shall be the same as in case of appeals in justice of the peace.

Bond required
\$200.

4. If the owner or owners or any of them of any property or buildings to be removed from the fire limits of said town under the provisions of ordinances adopted in conformity with this act shall be nonresidents of the county or for any other cause can not be served in the county by personal service of the notices specified in this act, in that event it shall be lawful for the said notice or the substance thereof to be published for one week in a newspaper published in Forest City, North Carolina.

Service to
be had on
nonresident by
publication.

5. No appeal taken from any report or order, or resolution passed by the board of commissioners of said town under the provisions of this act shall have the effect of hindering or preventing said town from proceeding to move or have removed the property condemned or ordered to be removed and no restraining order or injunction shall lie or issue to prevent the town from proceeding to remove or have removed any of said property.

No appeal
taken from any
report shall
prevent town
from proceeding
to remove
property.

6. In no event shall damages be awarded to the property owner under the provisions of this act or under ordinances passed in conformity therewith which shall exceed the actual value of the property so condemned, less the value of the same after same has been removed from the fire limits of said town.

Damages
awarded shall
not exceed
actual value
of property.

SEC. 11. *Town prison.* The town of Forest City shall have power to establish, erect, and maintain a town prison for vagrants, town convicts, and disorderly persons, and may acquire land by purchase or otherwise upon which to erect said prison or calaboose.

Maintain town
prison.

SEC. 12. *Health.* The town of Forest City shall have the power to regulate burial grounds and cemeteries and to prohibit burial within the corporate limits of the town, if deemed advisable or found necessary to protect public health, and to condemn and close burial grounds and cemeteries within the town when demanded by the public interest of health of said town; but in case the board should prohibit the burial of the dead within the corporate limits, then in that event they shall provide a suitable cemetery outside the corporate limits to be used for burying the dead, and they shall have the power to make such rules and regulations governing same as they may see proper. And the board of commissioners of the town of Forest City shall have authority and power, whenever they deem it expedient to do so, to condemn land for cemetery or burial purposes, which

Regulate
burial grounds.

Protect
public health.

Condemn land for burial purposes.

To acquire property for such purposes.

To destroy certain property infected with dangerous diseases.

Authorize destruction of property dangerous to health.

Quarantine against dangerous diseases.

To require removal of certain dead bodies.

To prevent slaughtering animals.

To regulate sale of fresh meat.

To compel owners of grocery stores, etc., to keep in sanitary condition.

To require inspection of property in interest of public health.

may be done in the same manner as is prescribed for other condemnation proceedings by the terms of this charter, which lands may be located either within or without the corporate limits of the said town. The town board of the town of Forest City shall have power to pass such suitable rules and regulations concerning the burial of the dead in the cemeteries of the town and make such charges for the burial of the dead therein as may be deemed proper by the town board. The town shall have full power to acquire property lying within or without the corporate limits to be used for cemetery purposes, and same may be acquired by purchase, gift, or will for such purposes.

2. The town of Forest City shall have the power to authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease, when the public health requires the destruction of same, and may also in the same manner authorize the destruction or removal of buildings or other objects after the same shall have been declared a nuisance and to be dangerous to health or lives of the citizens of the town.

3. To make regulations to prevent the introduction of contagious diseases into the town, to make quarantine laws for that purpose, and to enforce them within the town, and to provide pest-houses.

4. To prevent any person from bringing, depositing, or having within the town limits the carcasses of any dead animals or other unwholesome substance or matter or filth of any kind, and to require prompt removal of the same, and to impose all necessary penalties for the reinforcement of such power.

5. To regulate, license, or prohibit butchers and prevent their slaughtering animals in the town limits, and revoking their license for malconduct in trade, and to regulate, license, and restrain the sale of fresh meat and the slaughter of animals, and to license and regulate or prohibit slaughter-houses within the town limits.

6. To compel the owner or occupants of any grocery store, blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hide-house, or other unwholesome place or house, to cleanse, remove, fill up, repair or abate the same, as may be necessary for the health, comfort, and conveniences of the inhabitants.

7. The town of Forest City shall have the right and power by ordinance to provide that the tenant or owner of any property shall submit to an inspection of his premises at any and all times by the officers of the said town, and the town shall have the right to have said premises of all persons inspected at any hour during the daytime in the interest of public health; and for the

purpose of making said inspection the officers or agents of the town duly authorized to do so shall have the right to enter upon the premises of any person for the purpose of making such inspection. The town shall have a right to issue notice to the owners or occupants of any premises found in an unsanitary condition to remove and filth or unwholesome matter, or do such other things as may be necessary in order to put said premises in a clean and sanitary condition, and failure on the part of said owner or occupant to do so shall subject said person to penalties to be prescribed by ordinances, and said person may be fined or imprisoned for violation of said ordinances by the mayor of the town. The town shall also have the right to put said premises in a clean and sanitary condition and charge the expense of same to the owners thereof, and shall have a lien upon the property involved for the amount expended in so doing.

8. To permit, forbid, or regulate theaters, balls, dance houses, and other places of public amusement, and to suppress the same whenever the preservation of order, tranquillity, public safety, or good morals may demand.

9. To prohibit and punish keepers and inmates of houses of ill-fame; to prohibit, prevent, and suppress assignation houses and houses of ill-fame, and to determine such inmates and keepers to be vagrants; and to provide for the punishment of such person.

10. To prohibit, suppress, and regulate the manufacture and sale of spirituous, vinous, or intoxicating liquors, bitters, beverages, or drinks, in the city or within one mile thereof.

11. To make all needful and proper regulations concerning dairymen, liverymen, horse drivers, omnibus drivers, hack drivers, and drivers of baggage wagons and other vehicles; to establish maximum rates for all kinds of transportation within the town limits; to prevent extortion and to preserve order and prevent noise and confusion in or about the depots or livery stables, and to provide how and where hacks or other carriages shall stand or take their position upon the streets, and where they shall stand when receiving or discharging passengers.

12. To suppress gambling-houses and to punish keepers of gambling-houses and pool cellars, and all persons who play cards or games of chance of any kind for money or other thing of value, and to punish persons who sell lottery tickets, or who advertise lottery drawings or schemes and results of drawings of lottery.

13. To provide for the inspection of milk cows, whether kept within the town or without the town limits, from which milk is sold within the town limits, and to provide for the inspection

To require removal of unsanitary conditions.

Violation thereof misdemeanor.

To regulate theaters, etc., and suppress same, when good morals demand.

To punish vagrants, etc.

To prohibit sale of intoxicating liquors.

To regulate sale of dairy products.

To provide where hacks and carriages shall stand.

To suppress gambling houses.

To provide for inspection of milk cows and fix fees therefor.

of the milk offered for sale, and to prescribe the fees to be charged therefor.

To regulate public grounds; prohibit the running at large of horses, etc.

14. To establish and regulate public grounds and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, and pigeons, and authorize the distraining, impounding and sale of the same for the cost of proceeding and the penalty incurred, and to order their destruction if they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinance regulating or prohibiting the same.

Providing penalties for violation.

To prohibit running at large of dogs.

15. To tax, regulate, restrain, and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties upon the owners or keepers thereof.

To regulate sale of fireworks.

16. To prohibit and restrain or regulate the rolling of hoops, the flying of kites, and the firing of firecrackers or other fireworks, the use of velocipedes and bicycles, and the use of any amusement or practice tending to annoy persons passing upon the streets or sidewalks, or to frighten horses or teams.

To regulate use of streets by auctioneers and others.

17. To restrain and prohibit the ringing of bells or blowing of horns, bugles, and whistles, crying of goods or other noises, practices, or performances tending to the collection of persons on the streets or sidewalks, by auctioneers and others, for the purpose of business, amusement, or otherwise.

To regulate use of streets by beggars, etc., and provide a penalty for violation.

18. To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the said town, and to prescribe a penalty by fine or imprisonment for nonobservance thereof.

To provide punishment of misdemeanors.

19. To prevent all trespasses and breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, loud, profane, and insulting language, misdemeanors, and all disorderly conduct, and to punish all persons thus offending.

To abate nuisances.

20. To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

To regulate horse racing.

21. To prohibit, prevent, and suppress horse racing, immoderate driving or riding in the streets of said town.

To prevent cruelty to animals.

22. To prohibit cruel treatment of animals and to punish the abusers of animals.

To provide where horses or other animals may be left on streets.

23. To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets, and to prescribe the place for hitching same.

To punish vagrants.

24. To restrain and punish vagrants, mendicants, beggars, and prostitutes.

25. To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.

To regulate the sale of opium, etc.

SEC. 13. *Privilege or license tax.* The board of commissioners of the town of Forest City shall have the power to license, tax, and regulate automobiles, merchants, commission merchants, hotel and inn-keepers, brokers, real estate agents, insurance agents, insurance brokers, restaurants, barber shops; sellers of spirituous, vinous, malt, or intoxicating liquors, bitters, or beverages; bowling alleys, billiards, pool and bagatelle tables, boarding-houses, banks and banking agencies, drays, liverymen, peddlers, insurance companies; lecturers for reward, unless wholly for religious or charitable purposes; photographers, auctioneers, express offices, telegraph offices; persons holding concerts or entertainments for pay, except those given wholly for religious or charitable purposes; circuses, menageries, dealers in lightning rods, horse traders and dealers, dogs kept or owned within the corporate limits, and telephone companies, on all vendors of spirituous, vinous, and malt alcoholic liquors, and on all ten-pin alleys and nine-pin alleys, and all other trades or professions, occupations, and amusements and callings of every kind; to license, tax, and regulate any itinerant or transient vender of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers or scalpers, or dealers in railway tickets, dealers in bankrupt or fire stock or damaged goods of any kind, second-hand dealers, pawn-brokers, junk-shop or dealers in junk, and all other business or occupation whatever which in the opinion of the commissioners should be the proper subject of police regulation; to require the person or persons or corporation pursuing any business or occupation covered by this charter to pay such license or special taxes and at such times as may be prescribed by ordinances adopted by the commissioners, and give all bonds in such amounts and under such conditions as the town commissioners may prescribe. Any person, firm, or corporation desiring to engage in any business or occupation or to do any acts specified herein, upon which a special tax is imposed, shall, before engaging therein, obtain a license from the mayor of said town, and any person engaging in any such business, trade, or profession, etc., without first obtaining such license, shall be guilty of an offense against the ordinances of said town, and may be punished as prescribed therein. No license shall issue for longer period than one year, and such license shall not be assignable except by permission of the town commissioners.

To provide ordinances for collection of license and privilege taxes.

Must obtain license before engaging in business.

2. To prevent all boxing matches and sparring exhibitions, dog-fighting or cock-fighting, and to punish all persons thus offending.

To prevent boxing, etc.

To define a nuisance.

3. To define what shall be a nuisance to the town, and to abate such nuisance by summary proceedings, and to punish the authors thereof by penalties, fines, and imprisonment.

To regulate parapet walls, chimneys, fireplaces, etc.

4. To regulate the parapet walls, to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, boilers, and other heating apparatus, and to cause the same to be removed and made safe.

To regulate use of automobiles, prescribe proper lights, issue permits for vehicles. To adopt rules and regulations for use of automobiles, steam engines, etc.

5. To regulate the use of automobiles, motor cars, motor-cycles, and any other motor vehicle, and the speed thereof; to prescribe the proper lighting of same to be used at night; to issue permits for the use of such vehicles and to require the numbering of the said vehicles; to control and regulate the location and use of all kinds of steam engines and steam boilers in the town, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

To inspect construction of buildings, locate or prohibit erection of poles for electric lights or other purposes.

6. To inspect the construction of all buildings in the town and prescribe and enforce proper regulations in regard thereto, and regulate and locate or prohibit the erection of all poles in the town and cause the same to be changed, whether telegraph, telephone, electric light, or otherwise.

To provide and maintain a free public library.

7. The town of Forest City shall have the power to provide for, establish, and maintain a free public library in the town, and to cooperate with any person, firm, or corporation under such terms as the town board may prescribe for the establishment of such free public library, and to that end they may acquire real estate for suitable building therefor, either by purchase, gift, devise, or condemnation, and may levy the necessary tax to provide for and maintain the same.

To maintain free public schools.

8. The town of Forest City may maintain such free schools or graded schools as is now provided for, or such other free schools or graded schools as the board of commissioners may deem expedient, and shall have the right to levy and collect taxes and appropriate funds for the support and maintenance of such schools.

Right to control and own the streets, and to grant franchises for use of same.

SEC. 14. *Franchises.* The right of control, easement, user, and the ownership and title to the streets, highways, and public thoroughfares and property of the town of Forest City, its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the board of commissioners and approved by the mayor: *Provided*, that whenever application is made for any grant or franchise, lease, right, or privilege, in or to the streets and public thoroughfares of the town the same shall be submitted in writing and shall be recorded by the town clerk on his minutes, and shall be tabled for the period of

thirty days before the same is granted by the town board, and no franchise shall be granted for more than thirty years without first submitting the question to the qualified voters of the town. The board of commissioners shall have the right to submit any application made for a franchise to the qualified voters of the town, if they should deem it best so to do before granting the same.

May submit franchises to voters.

2. No exclusive franchise shall be granted by the board of commissioners for any purpose whatever, and all franchises granted by the commissioners shall contain a provision therein that a like franchise may be granted to any other person applying for the same at the option of the commissioners for said town.

No exclusive franchise shall be given.

3. The board of commissioners shall have the right to require all persons, firms, or corporations holding a franchise from the said town to make such report and statements as they may deem proper.

May require certain reports from corporations, etc., holding franchises.

SEC. 15. *Mayor's jurisdiction.* The mayor of the town of Forest City shall have final, exclusive, original jurisdiction of all misdemeanors occurring or committed within the corporate limits of the town of Forest City, as follows, to wit: of all offenses which are a violation of any ordinances now in force or which may hereafter be enacted by the board of commissioners and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace. In all cases heard by the mayor as a committing magistrate, against any person or persons for any offense whereof the said mayor has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a bond of recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Rutherford County for the trial of criminal causes, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Rutherford County to await trial as aforesaid; and he may sentence all persons convicted before him for violation of any offense over which he has jurisdiction to be committed to the calaboose, town prison, or county jail, and to be worked upon the streets of the said town or upon the public roads of Rutherford County, or he may order same to be hired to any other county in the State. In all cases where judgment is rendered against any person for fines or penalties, and the person against whom the same is adjudged fails or refuses to pay such judgment and the cost, it shall be lawful for the mayor of said town to require such person to be worked upon the streets of said town or upon the public roads of Rutherford County, or to be hired out until, at a fair rate of wages, such person shall have worked out the full amount of judgment and cost.

Jurisdiction of mayor.

Final jurisdiction, violation of town ordinances, and all crimes in jurisdiction of the justice of the peace.

May bind to court when probable cause is found.

May commit to town prison or common jail.

May sentence to work on streets or public roads.

May sentence to work on streets or roads for failure to pay fine and costs.

May hire out person convicted.
 May issue process to town marshal or sheriff, which process attested to by clerk of Superior Court of Rutherford County, to run anywhere in North Carolina.

Mayor to receive same costs as justices of the peace.

May have trial by jury.

Taxation.
 To levy taxes.

Ad valorem tax.

Not to exceed \$3 on the \$100 appraised value and \$5 on each poll.

Constitutional equation to be observed.

Certain property exempt from taxes.

Each family exempt \$25 household and kitchen furniture.

Tax levy valid until changed.

2. The mayor of the town of Forest City may issue process to the town marshal of the said town or to the sheriff or any constable or other arresting officer of Rutherford County, which process, when accompanied by a certificate of the clerk of the Superior Court of Rutherford County that the said mayor is the acting mayor of said town, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

3. The mayor of the town of Forest City shall receive the same costs as are allowed by law in similar proceedings before justices of the peace, and shall keep a docket or record of the trial of all actions or cases brought before him.

4. The mayor of the town of Forest City shall have the right to order a trial by jury in the same manner and upon the same terms and conditions as prescribed by the general laws of the State for trial by jury in courts of justices of the peace.

SEC. 16. *Taxation.* The town board shall have the power and it is hereby authorized to levy, annually, for general purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the town, and for paying the interest and making provision for a sinking fund on such future bonds or indebtedness as may be authorized, an ad valorem tax on all real and personal property within the corporate limits of said town, and on all personal property owned by residents of said town, including money on hand and solvent credits, and upon all franchises granted by the town to individuals or corporations, and on all other subjects of taxation as provided by the General Assembly, a tax not to exceed three dollars (\$3) on every one hundred dollars (\$100) appraised valuation of said property and in addition thereto a tax on all taxable polls not to exceed five dollars (\$5) on each poll, and in levying taxes for general purposes, the constitutional equation between property and poll tax must be observed, but for special purposes it may or may not be observed: *Provided, however,* that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, and all buildings used exclusively for school purposes, and the necessary furniture in all schools and institutions of purely public charity, are hereby declared to be exempt from taxation: *Provided further,* that twenty-five dollars (\$25) worth of household and kitchen furniture belonging to each family in said town shall be exempt from taxation: *Provided further,* that in the event that the board of commissioners, for any cause, should fail or neglect to levy taxes for any year, then in that event the tax and tax ordinances of the preceding year shall and will be considered in force and effect as the tax

levying ordinance for such year for which the commissioners shall fail to pass tax ordinance or have same listed.

2. That the secretary of the board of commissioners shall be a tax lister, and shall give ten days notice at three public places in the said town within the month of June in each and every year of the time and place for listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall to said tax lister return on oath a true and perfect list of his or her taxable property, with the true value thereof, and all taxable polls; the said secretary shall by the first meeting of the board in August in each year make and return to said board an alphabetical list of the taxpayers of the said town, together with a classified schedule of all taxable property, polls, etc., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each taxpayer, they shall cause the same to be copied in a book to be kept for the purpose from which a copy shall be made and placed in the hands of the town tax collector for collection by the first day of September in each and every year, together with a warrant from the said board through the mayor, returnable on a day certain, not later than the first day of February in each and every year; and said tax list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: *Provided, however*, that said tax list shall in no case be delivered to such collector for collection until he shall have filed with said board a justified bond in double the amount of the taxes to be collected for the current year, with at least two sureties and approved by said board; and *provided further*, that the said board shall have the power to direct the tax lister to make said list from the county tax list if they deem it expedient to do so, which, when completed by said tax lister, shall be as effective as if listed to the provisions of this section hereinbefore set out. And it shall be the duty of the tax lister or commissioners to add to any such tax list prepared by the lister the names and amount of taxes due by any parties, firms, or corporations which may be discovered and which have not been listed by said parties herein provided.

3. If any person liable to taxes shall fail to pay them within the time prescribed for the collection thereof, such person shall be subject to a penalty of one per cent for each thirty days such tax remains unpaid after the time so prescribed for the payment thereof, which penalty may be enforced at the option of the commissioners and shall become a part of the tax due by such person, and may be collected in the same manner as the other taxes.

Secretary of board to be tax lister.

Give notice of time for listing taxes. Property owners return list. Secretary reports list to commissioners in August.

Secretary shall revise tax list and make tax books and deliver a copy to tax collector.

Tax collector to give bond.

May make tax list from county list.

Penalty of one per cent added in discretion of board.

Tax collector may sell property for collection of taxes.

Prescribing manner of sale.

May sell property of those removing from corporate limits.

Tax collector to give receipt for purchase price of property sold and render report to commissioners.

Delinquent taxpayers may redeem property by paying taxes, cost and 20 per cent.

Recitals in deed prima facie correct.

Town may purchase property sold for taxes.

Title of property purchased cannot be disputed, except upon tender of amount of taxes due, with penalties.

4. The tax collector shall have power upon failure of any person liable to taxes to pay same within the time prescribed by the commissioners, and where no time is prescribed at any time after January the first, in each year, to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or in lieu thereof control over all alleys, lots, cellars, privies, stables, wells, cisterns, said town a notice of said sale, if the property be personal, and by posting at the courthouse door and three public places in the town of Forest City for thirty days if the property be realty. He may levy upon any property, real or personal, and expose the same for sale after advertisement as hereinbefore stipulated, belonging to persons whom he shall have good reason to believe are disposing of their property or are about to dispose of same, or are removing same or about to remove same outside of the corporate limits of said town without first paying the taxes due thereon.

5. It shall be the duty of the tax collector to deliver to the purchaser a receipt for the purchase money received by him from the sale of any such property and to file with the secretary of the board of commissioners a true return of his proceedings. The delinquent taxpayer whose property is sold for taxes as herein provided for, or his agent, may, within twelve months from the date of sale of any real estate redeem the said real estate by paying to the secretary the amount of said bid, together with twenty per cent interest thereon from the date of the sale and all costs incurred in making same, when the delinquent taxpayer shall be restored to all his original rights in said property, but upon the failure of such delinquent taxpayer thus to redeem the said property, the collector shall make a deed to the purchaser, and such deed shall be valid to pass all rights and interest of the delinquent taxpayer in the said property. A recital in said deed and all recitals in said deed of the doing of such things as were necessary to be done in order to perfect such sale shall be deemed prima facie evidence that such things were done.

6. When any property sold at a tax sale shall be purchased by the town of Forest City, or by any individual, firm or corporation, the title acquired by the said purchaser shall not be disputed by any person whomsoever or for any cause whatsoever, except upon tender to the town or other purchaser of the taxes lawfully due on such property for which sale was made, together with all accrued penalties and costs as provided by this charter. The sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

7. All levies of taxes heretofore made by the town of Forest City and all assessments heretofore made, and the assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection, are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in connection with the same.

Former tax levies validated.

8. In addition to the other methods of collection in this act: *Provided*, all taxes due the town, whether general or special, and all assessments for street improvement or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as prima facie evidence of the statements made therein, and the town shall have equal right to become the purchaser at all sales for taxes or assessments due it under judgment or otherwise.

Taxes may be collected by civil action.

Tax liens may be foreclosed.

Assessment rolls prima facie correct.

9. No levy shall be made on any property belonging to the town nor shall any levy be made upon the property of any individual of any debt by the town, and all such debts shall be paid only by taxation upon subjects properly taxable by the town.

No levy shall be made on property belonging to town.

10. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public.

Tax list may be corrected or altered and shall be open to the inspection of the public.

11. The personal property of all persons owing any taxes to the town of Forest City is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

Personal property of taxpayers liable for all taxes.

SEC. 17. *Miscellaneous.* All questions in the administration of the government of the town, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

Powers not herein given governed by general law.

2. In all judicial proceedings it shall be sufficient to plead any ordinance of the town by caption, or by the number of the section thereof and the caption and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes published by authority of the board of commissioners of the town of Forest City shall be admitted in evidence in all courts and have the same force and effect as would the original ordinance.

May plead ordinance by caption.

Printed ordinances or code receivable in evidence.

3. All ordinances of the town of Forest City not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the town board: *Provided*, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this act.

Present ordinances to remain in full force and effect unless changed by this charter.

Public act.
Judicial notice.

4. This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been printed or read in evidence.

Property of
town cannot
be sold under
execution.

5. The property, real and personal, belonging to the town of Forest City will not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the town in the hands of any person or corporation be liable to garnishment, nor shall the town or any of its officers or agents be required to answer any writ of garnishment served upon the town; but if the mayor of the town elects to do so, he shall have the right to answer any writ or garnishment for the town at his discretion.

One section
declared
unconstitu-
tional; shall
not affect
remainder
of law.

6. In the event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect, notwithstanding such holding.

Officer must
turn over
to his
successor, books,
papers, etc.
Violation
misdemeanor;
fine not more
than \$1,000.

7. Any officer of the town of Forest City who shall, on demand, fail to turn over to his lawful successor in office the property, books, moneys, seals, or effects of the town, shall be deemed guilty of an offense, and may be indicted in the Superior Court of Rutherford County, and fined not exceeding one thousand dollars (\$1,000), or imprisoned for not more than two years.

Board of
commissioners
may sell
certain
property.

8. The board of commissioners shall have power by a majority of said commissioners to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the town, and when so sold, a deed for the real estate may be executed by the mayor and attested by the town secretary, with the corporate seal of the town attached thereto.

Election
may be held.

9. That at any time, upon the written application of one-fourth of the qualified voters of the town of Forest City for that purpose, the town board shall call an election to be held within sixty days, at which there shall be submitted the question of the extension, change, or alteration of the corporate limits of said town as applied for, at which said election all the legal voters of the said town within the proposed limits shall be allowed to vote a ticket upon which shall be written or printed the words "For change of corporate limits," or "Against change of corporate limits." Said election shall be held under the same rules and regulations as are prescribed for the election of the mayor and board of commissioners of said town, and if a majority of the votes cast be for change of corporate limits, the board shall declare the corporate limits so changed, and on and from thirty days from the date of such order the corporate limits of said town shall be as outlined in said order. If a majority of the votes so cast shall be against change of corporate

Tickets voted.

Result
declared.

limits, the same shall remain unaffected and as they before existed.

10. The board of commissioners shall have the right and authority to call an election to be held at any time upon the written application of twenty-five per cent of the qualified voters of said town for the purpose of voting upon any question which the said petition may request them to submit to a vote of the citizens of said town, whether the same be for the purpose of voting bonds for any purpose whatsoever or for the purpose of ascertaining the wishes of the inhabitants of said town upon any other question of public interest. The said board shall advertise said election so ordered for a period of thirty days in some newspaper published in Rutherford County and at the mayor's office in said town, and no special act shall be necessary to authorize the said commissioners to order any such election. The said board shall also have the authority to call as many elections under the provisions of this section as they may be petitioned to call in the manner hereinbefore set out, and may call more than one election to be held for the purpose of voting upon the same question if a petition be filed, as herein provided, requesting said commissioners to call such election, notwithstanding the fact that other elections may have been held for the purpose of ascertaining the wishes of the citizens of the town upon the same question theretofore.

May call subsequent election.

Notice required.

11. From and after the ratification of this act the same shall be thenceforth the charter of the town of Forest City, and all laws now constituting the charter of the said town and affecting the government thereof in the grants made of its corporate franchise powers, except as relating to the issue of bonds and granting of franchises, and establishing or relating to the graded school, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, as far only as they may affect the town: *Provided, however,* that such repeal shall not annul any ordinances, by-laws, or rules of the town relating to bond issues or the granting of franchises, nor shall repeal or affect act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect, neither shall any right, estate, duty, or obligation possessed by or due to the town by its present name from any corporation or person whatever be lost, affected, or impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the said town by the name of the town of Forest City.

To take effect from ratification.

Conflicting acts repealed.

Property rights not affected by change of charter.

SEC. 18. This act shall be in force from and after its ratification.

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 3

AN ACT TO ENLARGE THE CORPORATE POWERS OF THE BOARD OF TRUSTEES OF DUNN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and seventy-three, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding at the end of section three thereof the following: "The board of trustees of the Dunn graded school shall also have power to borrow money from time to time and to execute promissory notes or bonds for the same which shall be binding obligations of said board, and said board shall likewise have the right and power upon purchasing any site or sites for additional school buildings or additional school grounds to execute a mortgage or deed of trust conveying any such site or additional school grounds for the purpose of securing the payment of any balance due or to become due on the purchase price thereof, or for the purpose of procuring funds with which to discharge the purchase price thereof."

Authority to issue bonds.

Additional authority for purchase of school buildings or grounds and to execute valid notes and mortgages.

Conflicting laws repealed.

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 force from and after its ratification.

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 4

AN ACT TO AMEND CHAPTER 221, PRIVATE LAWS OF 1923, RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section three of chapter two hundred and twenty-one of the Private Laws of nineteen hundred and twenty-three be and the same is hereby amended by striking out, in line three of said section three of said act, the word "twenty-five" and inserting in lieu thereof the word "twenty-seven."

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

Conflicting laws repealed.

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

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 5

AN ACT TO INCORPORATE THE TOWN OF ALEXANDER MILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Alexander Mills in the county of Rutherford be and the same is hereby incorporated by the name and style of "Town of Alexander Mills," and it shall be governed by and subject to all the provisions of law now existing in reference to incorporated towns and not inconsistent with this act.

Incorporated.

Corporate powers.

SEC. 2. That the boundaries of the said incorporated town of Alexander Mills shall be determined as follows: Beginning at Moss's corner line and running south with the old Island Ford road to the C. C. & O. railway underpass; thence with the said C. C. & O. railroad north to the Toms's road; thence westwardly with the old road running between the property of J. D. Link and J. F. Alexander across highway number two hundred seven to a point one-fourth mile west from said highway two hundred seven; thence south with the western boundary of the Alexander Mills' property to the line of Moss's property; thence with Moss's line eastward to the beginning.

Boundaries.

SEC. 3. The officers of said town shall be a mayor, treasurer, constable, and five aldermen.

SEC. 4. That S. A. Summey shall be mayor of said town and L. R. Champion, B. R. Hicks, E. L. Cantrell, Dewey Holland, and T. A. Moore shall be aldermen and are hereby appointed lawful officers of said town. The treasurer and constable shall be elected by the aforesaid mayor and board of aldermen. The officers hereby appointed shall hold office until their successors shall be elected in an election to be held in the said town on the second Tuesday in May, one thousand nine hundred and twenty-six, and every two years thereafter when the qualified voters of said town shall elect a mayor, and five aldermen who shall take office on the first Monday in June next succeeding their election.

Mayor and aldermen appointed.

Treasurer and constable elected.

Successors elected.

Take office June 1.

SEC. 5. That said mayor and aldermen shall make such rules, ordinances, regulations and by-laws as may be necessary for the

Powers of mayor and aldermen.

Under
general law.

proper government of said town and shall exercise and have all such rights and authority as allowed incorporated towns under the general law.

Conflicting
laws repealed.

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

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

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 6

AN ACT TO VALIDATE THE PROCEEDINGS OF THE TOWN OF PANTEGO RELATING TO THE ISSUANCE OF CERTAIN BONDS, AND TO PROVIDE FOR THE SALE THEREOF AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Bonds
validated.

SECTION 1. The resolutions and ordinances adopted by the board of aldermen of the town of Pantego on the first day of April, one thousand nine hundred and twenty-four, and subsequent thereto, authorizing the issuance of five thousand dollars of bonds of said town for the purpose of constructing lighting equipment from the corporate limits of the town of Belhaven to and in the town of Pantego and all other proceedings taken relating to the issuance of said bonds, including the special election held in said town on May fourteenth, one thousand nine hundred and twenty-four, on the question of approving the ordinance authorizing the issuance of said bonds, are hereby validated and the said board of aldermen is hereby authorized to issue said bonds pursuant to resolution adopted at its meeting of January fifth, one thousand nine hundred and twenty-five, at private sale for par and accrued interest, the said bonds when sold in accordance with resolution of January fifth, one thousand nine hundred and twenty-five, shall be valid and binding obligations upon said town.

Valid
obligations.

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

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 7

AN ACT TO AMEND CHAPTER 119, PRIVATE LAWS OF NORTH CAROLINA, 1905, ENTITLED AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That after section eight, chapter one hundred and nineteen, Private Laws of North Carolina, one thousand nine hundred and five, that a new section be added entitled "section 8a," to read as follows:

Section added.

"That for the better maintenance and support of said graded school and the payment of indebtedness incurred by said graded school that the total tax levy authorized by section eight of this act be increased from thirty-three and one-third cents on the one hundred dollars worth of property to fifty-five cents on the one hundred dollars worth of property: *Provided*, the said increased tax levy is authorized by the majority of the qualified voters in said graded school district, at an election to be had for such purpose. And the board of trustees of said graded school district are hereby authorized and empowered to call at such time or times as they may deem advisable for an election to be called and held under the general election laws of the State. The board of commissioners of Franklin County shall upon the recommendation of the said board of graded school trustees call said election and the election for the purpose specified in this act shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of the township officers by the general election laws of this State, unless in any manner otherwise provided for in this article. And at which said election there shall be submitted to the voters of said district the question of increasing said tax rate, the amount of said increase to be specified in the call for such election upon the property in said district liable for taxation. And at which election those in favor of the increase in the said tax levy shall vote ballots on which there shall be written or printed "For graded school" and those opposed thereto shall vote ballots on which there shall be written or printed "Against graded school."

Increase of tax levy.

Proviso.

Board of trustees given authority.

Elections.

Vote on increase of tax levy.

The board of county commissioners shall at the time of ordering any election under this article appoint one registrar and two judges of election in each precinct in said district to hold said election. The books shall be kept open for registration of voters as required by law. For the purpose of registration the books used in the last election in said district shall be delivered to and revised by the registrar and the commissioners of Frank-

Appointments of register and two judges of election.

New registration.

Thirty days
notice.

lin County may order a new registration by giving thirty days notice of such registration. Which election shall be held after thirty days notice thereof specifying the amount of the proposed increased tax rate shall have been posted at the courthouse in Louisburg, N. C., and at every voting place in said district and published in four issues of some newspaper published in said district and the returns thereof shall be made to the board of county commissioners, returns recorded and result declared by said board as they may determine.

As to favor
of increase.

If a majority of the qualified voters shall favor the said increased tax levy, then said tax shall be levied and collected as provided in section seven of this act. An election resulting unfavorably to the increase in said tax levy shall not exhaust the power of the said board of trustees to submit the question of an increased tax levy at another and subsequent election to be held as herein provided for at any time within five years from and after the holding of said election.

As to
unfavorable
of increase.

Subsequent
election.

Conflicting
laws repealed.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 8

AN ACT TO AMEND CHAPTER 57, PRIVATE LAWS OF 1917, RELATING TO STREET PAVING IN TOWN OF MOORE- VILLE.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section five of chapter fifty-seven of the Private Laws, session one thousand nine hundred and seventeen, be amended as follows: Strike out the words "or twenty per cent of the assessed taxable value thereof," in lines forty-two and forty-three.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 9

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF WILMINGTON TO APPROPRIATE MONEY TO THE WILMINGTON TRAFFIC ASSOCIATION, INCORPORATED.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Wilmington are hereby authorized and empowered to appropriate from the general funds of the city of Wilmington, not otherwise appropriated, a sum of money not to exceed five thousand dollars per year to the Wilmington traffic association, incorporated, to be applied to defray the current expenses of the operation of said Wilmington traffic association.

Authority given Wilmington board of commissioners.

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

Conflicting laws repealed.

SEC. 3. That this act shall go into effect from and after its ratification.

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 10

AN ACT TO AMEND CHAPTER 132, OF THE LAWS OF NORTH CAROLINA OF 1891, SO AS TO INCREASE THE HOLDING CAPACITY OF MEREDITH COLLEGE OF PROPERTY AMOUNTING TO \$10,000,000 INSTEAD OF \$1,000,000.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-two of the laws of North Carolina of one thousand eight hundred and ninety-one, be amended by striking out, from line two of section eleven of said chapter, the words "one million dollars" and inserting in lieu thereof the words "ten million dollars," so that the holding capacity of property of Meredith College shall be ten million dollars instead of one million dollars.

Amendment.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 11

AN ACT TO AMEND THE CHARTER OF WAKE FOREST COLLEGE SO AS TO INCREASE THE HOLDING CAPACITY OF SAID COLLEGE OF PROPERTY AMOUNTING TO \$10,000,000 INSTEAD OF \$5,000,000.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter three of the Private Laws of one thousand nine hundred and fifteen be amended by striking out from line five of section one of said chapter the words "five million dollars" and inserting in lieu thereof the words "ten million dollars" so that the holding capacity of property of Wake Forest College shall be ten million dollars instead of five million dollars.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 12

AN ACT TO AMEND THE CHARTER OF THE CITY OF GASTONIA RELATING TO STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred ninety-nine, Private Laws of North Carolina, session one thousand nine hundred and thirteen, be and the same is hereby amended by adding after the word "such" and before the word "sidewalk," in line seven of section sixty-five of said chapter, the words "street or streets."

Prior
proceedings
validated.

SEC. 2. That all proceedings heretofore had or undertaken under the provisions of said chapter one hundred ninety-nine, Private Laws one thousand nine hundred and thirteen, and work done thereunder by the governing body of the city of Gastonia relating to the improvement of streets and sidewalks, be and the same are hereby confirmed and validated in all respects as if this amendment had been passed and adopted prior to said proceedings or work done.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 13

AN ACT TO VALIDATE AN ISSUE OF \$40,000 PUBLIC IMPROVEMENT BONDS OF THE CITY OF SOUTHPORT, AND TO PROVIDE FOR THE SALE THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings of the board of aldermen of the city of Southport authorizing the issuance of forty thousand dollars five and one-half per cent public improvement bonds, dated December first, nineteen hundred and twenty-two, payable serially in numerical order one thousand dollars (\$1,000) on December first in each of the years nineteen hundred and twenty-three to nineteen hundred and forty-two, inclusive, and two thousand dollars (\$2,000) on December first in each of the years nineteen hundred and forty-three to nineteen hundred and fifty-two, inclusive, are hereby ratified, approved and confirmed.

Validating
issuance of
bonds.

SEC. 2. That the board of aldermen of the city of Southport are hereby authorized, after due advertisement of the sale of said bonds in the manner provided by the Municipal Finance Act, chapter one hundred and six of the Public Laws of North Carolina, extra session, one thousand nine hundred and twenty-one, to sell the unmatured portion of said issue at the best price obtainable, and when said bonds shall have been delivered and paid for, they shall constitute valid and legally binding obligations of the city of Southport, North Carolina.

Sale
of bonds.

Legally
binding
obligations
of city of
Southport.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 14

AN ACT TO AMEND CHAPTER 208 OF THE PRIVATE ACTS OF 1913, AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and eight of the Private Acts of one thousand nine hundred and thirteen entitled "An act to amend the charter of the city of Rocky Mount" be and the same is hereby amended by striking out all after the word "of," in line five thereof, and before the word "avenue," in line eight thereof, and inserting in lieu thereof the

Amendment
to charter
of city of
Rocky Mount.

following, "Myrtle Avenue if extended would intersect the southern line of said river; thence southwardly with the said extension of the center line of Myrtle."

Conflicting
laws repealed.

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

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 15

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WADESBORO.

The General Assembly of North Carolina do enact:

Amendment
extending
city limits of
Wadesboro.

SECTION 1. That section one of chapter five hundred and thirteen, Private Laws, one thousand nine hundred and seven, defining the corporate boundaries of the town of Wadesboro, be and the same is hereby amended so as to extend the southern corporate boundary of said town to the following lines, or boundaries, to wit:

Extension
corporate
boundaries.

Beginning at the southwest corner of the corporate limits of said town, near the southern side of the White Store road, and running thence south sixty-six-thirty east fourteen hundred feet to a stake in the eastern edge of the Chesterfield road; then north fifty-four east six hundred and eight feet to the present southern corporate boundary of said town.

Conflicting
laws repealed.

SEC. 2. That all laws in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 16

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEULAVILLE IN DUPLIN COUNTY BY ELIMINATING CERTAIN TERRITORY ON THE EAST AND ADDING CERTAIN TERRITORY ON THE WEST.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter three hundred seventy-eight of the Private Laws of nineteen hundred fifteen of the General Assembly of North Carolina entitled "An act to incorporate the town

of Beulaville in Duplin County" be and the same is hereby amended as follows: Strike out section two of said act and insert in lieu thereof the following:

"The boundaries of said town of Beulaville shall embrace the following territory: Beginning at a stake which is located north fourteen and one-half east one thousand two hundred and forty-five feet from the intersection of the center of Jackson Street with the center of Front Street in said town of Beulaville, said point of intersection being marked by a cement monument located at said intersection by R. W. Craft, surveyor, by direction of said town, and running from said stake so located at the northern terminus of said one thousand two hundred and forty-five foot line, north seventy-four and one-half west two thousand and twenty feet to an iron stake; thence south fourteen and one-half west crossing the Hallsville public road three thousand eight hundred feet to an iron stake; thence south seventy-four and one-half east five thousand two hundred and eighty feet to an iron stake; thence north fourteen and one-half east three thousand eight hundred feet to an iron stake; thence north seventy-four and one-half west five thousand two hundred and eighty feet to the beginning."

Boundaries.

SEC. 2. That all the privileges, powers and benefits conferred by the general laws upon towns and cities of the State and all powers and privileges conferred upon the town of Beulaville by said chapter three hundred and seventy-eight of the Private Laws of the session of one thousand nine hundred and fifteen are hereby conferred upon said town of Beulaville within the boundaries of the territory set forth and described in section one of this act.

Privileges, powers and benefits of chap. 378, Private Laws 1915, conferred upon town of Beulaville.

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

Conflicting laws repealed.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 17

AN ACT TO VALIDATE BOND ORDINANCES OF THE TOWN OF ELON COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That ordinances passed by the board of commissioners of the town of Elon College on July seventh, nineteen hundred and twenty-four, authorizing eleven thousand dollars sidewalk bonds and thirteen thousand dollars water bonds, and

Ordinances validated notwithstanding error therein.

an ordinance passed by said board January third, nineteen hundred and twenty-five, authorizing six thousand dollars sewer bonds, be and are hereby validated notwithstanding any error therein in the designation of the governing body of said town, and notwithstanding any error in the publication of any of said ordinances.

Bonds declared
valid when
paid for.

SEC. 2. That when the bonds authorized by said ordinances shall have been issued and paid for at not less than par value under such proceedings subsequent to said ordinances as may be required by the Municipal Finance Act, they shall be valid and binding obligations of the town of Elon College.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 18

AN ACT TO AMEND CHAPTER 27, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1919, ENTITLED AN ACT TO REGULATE THE APPOINTMENT AND DUTIES OF COTTON WEIGHER FOR THE TOWN OF DUNN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter twenty-seven, Private Laws of nineteen hundred and nineteen, same being an act to regulate the appointment and duties of cotton weigher for the town of Dunn in Harnett County, be and the same is hereby amended as follows: In line two of section two, strike out the word "fourteen" and insert in lieu thereof the word "twenty."

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

Ratified this the 10th day of February, A.D. 1925.

Amendment
regulating
duties of
cotton
weigher.

CHAPTER 19

AN ACT TO REPEAL THE CHARTER OF THE HOLSTON ANNUAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH, SOUTH.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fourteen (14) of the Private Laws of one thousand eight hundred and sixty-six, sixty-seven (1866-67) entitled "An act to incorporate Holston annual con-

Act repealed.

ference of the Methodist Episcopal Church, South," and ratified on the fourth day of March, A.D. one thousand eight hundred and sixty-seven, is hereby repealed.

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

Conflicting
laws repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 20

AN ACT TO PROVIDE FOR A BIENNIAL ELECTION IN THE TOWN OF BAILEY, NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in the town of Bailey, Nash County, there shall be held on Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter an election for mayor and three commissioners, said election to be held under the rules and regulations provided in chapter fifty-six of the Consolidated Statutes.

Biennial
election.

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

Conflicting
laws repealed.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 21

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE UPON RATIFICATION BY A POPULAR VOTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits and boundary lines of the city of Fayetteville, upon the ratification of this act by a popular vote as herein provided for, shall thereupon be and become fixed, determined and established as follows, to wit:

Corporate
limits of
Fayetteville.

Beginning at the lower corner of the present city boundary near the new wharf on the Cape Fear River and following the present city boundary line to a stone in the northwest intersection of Robeson Street with Italy Street near the silk mill property; thence a southerly direction along the west side of

Extension of
limits.

Robeson Street two hundred and nineteen feet to the northwest corner of the silk mill property; thence with the line heretofore suggested by the board of aldermen, known as line number two, north forty-eight degrees, fifty-one feet west four hundred and seventy-three feet to a stake; thence north eighty-eight degrees, forty-two feet west twenty-six hundred and sixteen feet to a stake; thence north thirty-five degrees forty-two feet west three hundred ninety-two feet to a stake; thence north eleven degrees forty-eight feet east twenty-three hundred and ninety-one feet to a stake; thence north seventy-eight degrees thirteen feet west six hundred and thirty-five feet to a stake; thence south seventy-six degrees, twenty-nine feet west twenty-one hundred and seventy-seven feet to a point just south of the Donaldson school buildings; thence north seventeen degrees, nineteen feet west passing between two of the Donaldson school buildings nine hundred and sixty-nine feet to a stake in the dividing line between Cross Creek Township and Seventy-first Township; thence north ten degrees, twenty-eight feet east with the dividing line between said townships forty-two hundred and thirteen feet crossing the Fort Bragg road and passing about three hundred feet to the west of the home of Capt. W. S. Cook to a stake; thence north thirty-nine degrees thirty-two feet east fifty-seven hundred and forty and four-tenth feet to a point ten feet south of the Murchison road and just north of the house of Junius Elliott; thence ten feet from and parallel with said road south twenty-six degrees east twenty-two hundred and ninety-two feet; thence parallel with said road and ten feet distant therefrom south twenty-four degrees sixteen feet east five hundred and fifty-four feet; thence parallel with said road and ten feet distant therefrom south twenty-five degrees fourteen feet east six hundred and seventy-seven feet; thence south thirty degrees fifty-eight feet east sixteen hundred and eighty-nine feet to a stake just south of a concrete bridge and in the fork of the Murchison road and Cumberland Street extended; thence a direct line to a point in the center of the Linden road one hundred and fifty feet north of where the Atlantic Coast Line Railroad Company's tracks cross said road just north of the present city boundary, the measurement to such point to be made from the center of the nearest track and along the center of said road; thence a direct line by the shortest course to a point two hundred feet east of North Street extended; thence parallel with North Street and keeping two hundred feet therefrom to the present city boundary line; thence with the present city boundary line to the corner thereof on the Cape Fear River; and thence with the river to the beginning.

Further
extension
of limits.

SEC. 2. That for the purpose of submitting to the qualified voters within the territory above described the question of whether the boundary lines of the city of Fayetteville shall or shall not be extended, enlarged and established as set out above, the board of aldermen of the city of Fayetteville, at such time as it shall in its discretion deem best, may call a special election to be held in said territory and fix the date thereof, and in order to ascertain who shall be entitled to vote in said election said board may, if it sees fit, order a new registration of the voters residing in the territory above described.

Special
election.

SEC. 3. At the same time that the board of aldermen orders the said election and fixes the date thereof it shall appoint a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number one, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number two, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number three, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number four, as the same is now established, which several voting precincts or polling places are hereby designated as the voting precincts and polling places for said special election, and each qualified voter within the territory described in section one hereof shall vote at that voting precinct or polling place in which is embraced that portion of the territory described in section one in which such qualified voter resides; and if it shall be found that the territory described in section one hereof includes any portion of any township other than Cross Creek, then any qualified voter residing in any portion of such other township so included shall be entitled to register and vote in the voting precinct and at the polling place nearest to such qualified voter; but nothing contained herein shall entitle any person not residing in the territory described in section one hereof to vote in said election.

Registrar and
judges for
precinct
number one.

Precinct
number two.

Precinct
number three.

Precinct
number four.

SEC. 4. The registration books shall be open for the registration of voters for twenty days and shall close at sunset on the second Saturday preceding the date of election. On each Saturday during said twenty days the registrars shall keep the registration books open at the said polling places for the registration of voters and at all other times during said twenty days (Sundays excepted) shall keep said books open at the respective places of business of the said registrars in said voting precincts for the

Registration
of voters.

registration of voters. On the Saturday preceding the date of election said registrars shall attend at said polling places with their said registration books, when and where the same shall be open for inspection and for the challenge of any person not properly registered and qualified to vote. If any person's right to vote in said election shall be challenged the registrar and judges of election of the polling place at which such person is registered shall, prior to or on the date of election, hear and determine the question of such person's right to vote, after notice to the persons challenged given to the challenged voter in person or by notice left at his place of residence, and the qualifications of a person to vote shall be the same as in general elections except as otherwise herein specifically provided.

SEC. 5. That upon the date fixed by the board of aldermen the registrar and judges of election shall hold the said special election in the same manner as is provided for holding general elections, except as herein otherwise provided. At the said election all qualified voters who desire to vote in favor of the extension, enlargement and establishment of the city boundaries and corporate limits as set out in section one hereof shall vote a ballot upon which shall be written or printed the words "For extension of city limits," and all those who desire to vote against the extension, enlargement and establishment of the boundary lines and corporate limits of the city as set out in section one hereof shall vote a ballot upon which shall be written or printed the words "Against extension of city limits." The polls shall open at sunrise and close at sunset, and when the same have closed the registrar and judges of election shall carefully count, canvass, tabulate and determine the vote cast, and shall appoint one of their members from each polling place to meet at the city hall at noon of the following day, and at noon of the following day the members so selected from each polling place, each having with him a correct tabulation of the vote cast at such place, shall meet at the city hall and canvass and judicially determine and declare the result of the said election, and shall post notice thereof at the door of the said city hall.

SEC. 6. The board of aldermen, upon calling the said election and fixing the date thereof, shall cause a notice to be published in the *Fayetteville Observer* once a week for four weeks immediately preceding the date of the said election, therein stating the time when the same will be held, the names of the registrars and judges of election for each polling place, and when and where the registration books will be open for the registration of voters, and when the same will close, and stating also the kind of ballot to be used in the said election, and each notice shall also state plainly and distinctly the question to be

Special
election.

Ballots.

Tabulation
of votes.

Result of
election.

Notice
published.

Contents of
notice.

passed upon at the said election, and no other notice, either of the election or the opening and closing of the registration books, shall be required.

SEC. 7. If upon the canvassing of the vote and determining the result as hereinbefore provided it shall be determined and declared that said election has been carried in favor of the extension, enlargement and establishment of the boundary lines and corporate limits of the city of Fayetteville, such boundaries and corporate limits shall become and thereafter be as set out in section one hereof; but if it shall be determined and declared that the said election has been carried against such extension, enlargement and establishment of the city corporate limits and boundaries, the corporate limits and boundaries of the city of Fayetteville shall be and remain as the same now are.

In favor of extension.

Against extension.

SEC. 8. In the event that the city limits and boundaries shall be enlarged and extended as herein provided for the board of aldermen of the city of Fayetteville shall divide the territory described in section one hereof into eight wards and fix and determine the boundary lines of each ward and designate each ward by number, the proceedings of the board in respect to which shall be set out in full in the minutes of the board, giving an intelligent description of the boundary lines of each ward, and designating each ward by a number.

Division of territory.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall be in full force and effect from and after its ratification.

Conflicting laws repealed.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 22

AN ACT INCREASING THE COMPENSATION OF COTTON WEIGHER IN AYDEN, PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty, Private Laws of North Carolina, one thousand nine hundred and five, be amended by striking out section four thereof and inserting the following: "Sec. four. The cotton weigher provided for in this act shall receive as compensation for his services twenty cents for each bale weighed, ten to be paid by the buyer and ten by the seller, and each buyer shall retain from the price of said cotton, ten cents, to be paid to the weigher, as the seller's part due said weigher, and the sum of twenty cents shall be paid by the buyer of said cotton to the weigher, ten cents for himself and ten cents for the seller or owner."

Amendment increasing compensation of cotton weigher.

Conflicting
laws repealed.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 23

AN ACT TO AMEND CHAPTER 16, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two hundred and thirty-nine of chapter sixteen, Private Laws of North Carolina, session one thousand nine hundred and twenty-three, be and the same is hereby amended by inserting between the word "franchise" and the word "pro," in line five thereof, the following:

Proviso.

"*Provided, however,* the board of commissioners of the city of Asheville shall have the power and authority by a majority vote to grant a franchise for the extension of steam or electric railroad tracks, either main line or siding, without a vote of the people, provided such franchise for such siding or main line does not permit of such siding or main line being constructed on, across or over a main traffic thoroughfare of the city of Asheville; and

Proviso.

"*Provided further,* that the majority of the property owners, owning a majority of the property, through which it is expected to construct such siding or main line, petitions the said board in favor of the granting of said franchise.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 24

AN ACT TO RATIFY AND VALIDATE PROCEEDINGS FOR THE INCORPORATION OF THE TOWN OF RONDA IN WILKES COUNTY, AND TO VALIDATE AND RATIFY PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF SAID TOWN LOOKING TO THE ISSUANCE AND SALE OF STREET IMPROVEMENT BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings for the incorporation of the town of Ronda, in Wilkes County, are hereby ratified and validated notwithstanding any question as to whether statutory conditions in relation to the giving of notice of the hearing upon the petition for incorporation existed, or any other questions, and it is hereby declared that the proceedings heretofore taken under the general law governing the incorporation of towns brought about the incorporation of the town of Ronda, as proposed in said proceedings.

Acts ratified and validated.

SEC. 2. That all acts and proceedings heretofore taken by the board of commissioners of the town of Ronda looking to the issuance and sale of thirty thousand dollars (\$30,000) street improvement bonds of said town are hereby ratified and validated and when the said bonds shall have been sold, delivered and paid for in accordance with the provisions of the Municipal Finance Act, they shall constitute valid and binding obligations of said town of Ronda, and that a direct annual tax shall be levied by the board of commissioners of said town upon all the taxable property within said town, over and above all other taxes authorized or limited by law, sufficient in amount to pay the principal and interest of said bonds as the same shall fall due.

Issuance and sale of bonds validated.

Annual tax.

Purpose of tax.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 25

AN ACT TO AUTHORIZE THE ELI WHITNEY SCHOOL DISTRICT TO ISSUE BONDS TO LIQUIDATE A DEBT CONTRACTED IN THE BUILDING OF A SCHOOLHOUSE AND TO ESTABLISH A SINKING FUND.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of the Eli Whitney school district in Alamance County are hereby authorized to issue bonds

Issuance of bonds.

of said school district for the purpose of liquidating an indebtedness incurred in building a school building, in said district, and enlarging, altering, and equipping said school building, or for any one or more of said purposes, and the board of county commissioners of Alamance County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district, for the purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest of all bonds [issued under this act, as such principal and interest of all said bonds] become due, which special tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized to be levied in said school district. No bonds shall be issued under this act, however, nor said special tax levied unless and until the question of such issue and levy shall have been submitted to the qualified voters of said Eli Whitney school district at a special election to be held for that purpose and a majority of said qualified electors shall have voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina. In all elections under this act the board of trustees of the Eli Whitney school district shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election and shall record such determination on their records. The notice of the election shall be given by publication at least three times in some newspaper published or circulating in the territory. It shall set forth the boundary lines of the school district, and the maximum rate of tax to be levied. The first publication shall be at least thirty (30) days before the election. A new registration of the qualified voters of the territory shall be ordered, and notice of said new registration shall be deemed to be sufficiently given by publication once in some newspaper published or circulating in said district at least twenty days (20) before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of the registration shall state the days on which the books will be open for registration of voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this act such election shall be held in accordance with the law governing general elections. At this election those who are in favor of the levy and collection of the taxes shall vote a ticket on which shall be printed or written the

Ad valorem tax.

Submitted to voters.

Polling place.

Notice of election.

Contents of notice of

New registration.

Statement of notice of registration.

words "For local tax" and those who oppose shall vote a ticket on which shall be printed or written the words "Against local tax." All other details of said election shall be fixed by the board ordering said election, and the expenses of holding and conducting the election shall be paid by the board of trustees of said district out of the local tax funds of the district.

Expenses.

SEC. 2. The amount of the bond issue authorized under this act shall not exceed seven thousand five hundred dollars (\$7,500) to run not more than twenty (20) years and bearing interest at the rate of not more than six per centum per annum, payable semiannually. The said bonds shall be in such form and denomination, shall be executed in such manner, shall be payable at such time or times, as the board of trustees of said school district may by resolution direct. Said bonds may be sold at public or private sale, with or without published notice thereof, at not less than par.

Amount of bond issue.

Form of bonds.

Public or private sale.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 11th day of February, A.D. 1925.

CHAPTER 26

AN ACT TO AMEND CHAPTER 16, PRIVATE LAWS OF 1923. BEING AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and thirty-two of an act entitled "An act to amend, revise and consolidate the statutes that constitute the charter of the city of Asheville," ratified January twenty-sixth, nineteen hundred and twenty-three, and known as chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

Amendment.

"232. *Procedure for initiative.* Any proposed ordinance may be submitted to the board of commissioners by petition signed by registered voters of the city equal in number to at least twenty-five per centum of the total number of registered voters in the municipality as shown by the registration books for the last preceding election for municipal officers therein. The provisions in this charter as to signatures, residence addresses, verifications, filing, amendments, inspection, certification and submission to the board of commissioners of petitions for the recall of elective officers shall be applicable to petitions in this section provided for. If the petition accompanying the proposed ordi-

Procedure for initiative.

nance be signed by the requisite number of electors and contain a request that the said ordinance be passed or submitted to a vote of the electors if not passed, the board of commissioners shall within twenty days after submission thereof by the secretary-treasurer to the board of commissioners, either:

“(a) Pass such ordinance without alteration; or

“(b) Submit the said ordinance to the qualified voters at a special or general election to be held within ninety days after said submission to the board of commissioners.”

Pass ordinance without alteration or submit ordinance to voters.

Further amendment.

Method of voting.

Restrictions of election.

In favor of.

SEC. 2. That section two hundred and thirty-three of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

“233. *Method of voting: restrictions on election.* The ballots used when voting upon said ordinance shall state briefly the general nature of the ordinance and contain the words ‘For the ordinance’ and ‘Against the ordinance.’ If a majority of the qualified electors voting on an ordinance shall vote in favor thereof, such ordinance shall be in effect from and after the passage of a resolution declaring the result of the election. No ordinance coming into effect by a vote of the people pursuant to initiative petition as herein provided shall be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election but not more than one special election shall be held in any period of six months for the purpose of voting upon ordinances submitted by initiative petition. Except as in this section otherwise provided, such election shall be held as may be provided by law for election of city officers and shall be advertised by publishing once in each of the daily newspapers published in the city, not more than twenty nor less than five days before the date thereof, a notice giving the date of the election and a general statement of the purpose thereof, and by publishing in like manner a copy of the proposed ordinance.”

Further amendment.

The referendum.

SEC. 3. That section two hundred and thirty-four of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

“234. *The referendum.* The board of commissioners may submit any ordinance to the electors, including an ordinance for the repeal or amendment of any ordinance, and an ordinance so submitted may be voted upon at any succeeding general city election, to be advertised and held as in this charter provided for elections upon ordinances submitted by initiative petition. If any ordinance so submitted receive a majority of the votes cast thereon at such election, it shall be in effect from and after the passage of a resolution declaring the result of the election.”

SEC. 4. That section two hundred and thirty-five of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

Further amendment.

"235. *Publication of ordinances and right of protest.* No ordinance passed by the board of commissioners, whether pursuant to initiative petition or otherwise, unless otherwise in this charter expressly provided, except ordinances passed under the authority of a general or special law for the issuance of bonds and notes, and except ordinances passed by a vote of two-thirds of the commissioners elect and containing a statement of their urgency for the immediate preservation of the public peace, health or safety, shall go into effect before twenty days from the time of their final passage and publication in a daily newspaper then published in the city; and if during said twenty days a petition be filed in the office of the secretary-treasurer signed as herein provided for the signing of initiative petitions, protesting against the passage of such ordinance, the operation of such ordinance shall thereupon be suspended. The provisions in this charter as to signatures, residence addresses, verifications, filing, amendments, inspection, certification and submission to the board of commissioners of petitions for the recall of elective officers shall be applicable to petitions in this section provided for, except that after the expiration of said twenty days no amendment of the petition in this section provided for may be filed. Upon the submission by the secretary-treasurer to the board of commissioners of any such petition with his certificate of sufficiency, it shall be the duty of the board of commissioners to consider such ordinance, and if the same be not entirely repealed, the board of commissioners shall submit the said ordinance to the qualified electors at a special or general election to be held within ninety days after the date of such submission by the secretary-treasurer, in the same manner and with the same effect as in the case of ordinances submitted by initiative petition."

Publication of ordinances; right of protest.

Duty of board of commissioners.

SEC. 5. That section two hundred and thirty-six of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

Further amendment.

"236. *Procedure for recall.* The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed as herein provided for the signing of initiative petitions, demanding an election of a successor of the person sought to be removed, shall be filed with the secretary-treasurer, which petition shall contain a general statement of the grounds

Procedure for recall.

for which the removal is sought. Each signer shall add to his signature his place of residence, giving the street and number. The petition need not be all on one sheet but there shall be appended to each separate sheet comprising said petition or a part thereof, an oath of an adult resident freeholder of the city, made before an officer competent to administer oaths, that the statements therein are true as he believes and that each signature to the sheet to which his oath is appended was made in his presence and is the genuine signature of the person whose name it purports to be."

Further amendment.

SEC. 6. That section two hundred and thirty-six of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

Inspection and amendments of petition.

"236A. *Inspection and amendments of petition.* Within ten days from the day such petition is filed in the office of the secretary-treasurer, he shall examine the same and the last registration books, and also the registration books for the last election for municipal officers, and shall ascertain whether or not the petition is signed by the requisite number of qualified electors and he shall attach to the petition his certificate showing the result of such examination. If such certificate shows that the petition is not signed by the requisite number of qualified electors, it may be amended by the addition of other sheets signed and verified as herein provided within ten days after the date of said certificates. Within ten days after the filing of such amendment the secretary-treasurer shall make like examination and certificate as to the amendment, and if such petition as amended shall show that it is not signed by the requisite number of qualified electors it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the secretary-treasurer shall find that the petition as originally filed or as amended is signed by the requisite number of electors, he shall submit the same at the next ensuing regular meeting of the board of commissioners."

Examination and certificate.

Further amendment.

SEC. 7. That section two hundred and thirty-seven of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

Notice and names on ballot.

"237A. *Notice and names on ballot.* Elections for the recall of officers shall be advertised by the publication of a notice in the manner herein provided for notices of elections upon ordinances submitted by initiative petition, and shall be held as is herein provided for such elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candi-

date to succeed himself, and unless he requests otherwise in writing, the secretary-treasurer shall place his name on the official ballot without nomination.”

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

Ratified this the 11th day of February, A.D. 1925.

CHAPTER 27

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

The General Assembly of North Carolina do enact:

SECTION 1. That the office of recorder for the town of Cherryville is hereby created. That at its first meeting in May, one thousand nine hundred and twenty-five, and annually thereafter, the commissioners of said town shall elect some competent and suitable person to serve as recorder until his successor is elected and qualified. That it shall be the duty of said recorder to hold the courts of the said town and with the same jurisdiction and rights as heretofore exercised by the mayor. The salary of said recorder, or salary and fee basis, shall be fixed and regulated by the said board of commissioners, and shall not exceed the sum of three hundred dollars (\$300) per annum.

Election of recorder

Duties.

Compensation.

Transfer of duties.

Mayor to preside.

Proviso: salary of mayor.

SEC. 2. That all the powers and duties of the mayor of the town of Cherryville with respect to holding the courts be and they are hereby transferred from that office to that of the recorder upon his election as set out in section two hereof. That the mayor of said town shall preside at all meetings of the board of commissioners of said town and exercise all other powers and authorities heretofore exercised by him except that of presiding over and holding the courts of the said town: *Provided*, the commissioners in their discretion may fix a salary for said mayor in a sum not exceeding three hundred dollars (\$300) per annum.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 28

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

ARTICLE 1

THE CITY OF FAYETTEVILLE

Acts revised and consolidated.

SECTION 1. *Acts revised and consolidated.* That chapter one hundred and fifty-three of the Private Laws of eighteen hundred and ninety-three, and chapter eighteen of the Private Laws of eighteen hundred and ninety-nine, and chapter four hundred and nineteen of the Private Laws of nineteen hundred and one, and chapter three hundred and eleven of the Private Laws of nineteen hundred and five, and chapter one hundred and ninety-one and three hundred and thirty-nine of the Private Laws of nineteen hundred and seven, and chapters fifty-one and fifty-two of the Private Laws of nineteen hundred and eleven, and chapter three hundred and sixteen of the Private Laws of nineteen hundred and thirteen, and chapter twenty-four of the Private Laws of the extra session of nineteen hundred and thirteen, and chapterof the Private Laws of nineteen hundred and twenty-one, and chapter..... of the Private Laws of nineteen hundred and twenty-three, establishing and incorporating the city of Fayetteville, and all acts amendatory of any of the same, and all acts and statutes which constitute the charter of the city of Fayetteville, be and the same are hereby amended, revised and consolidated to read as herein set forth.

Amendment.

A body corporate with right of succession.

SEC. 2. *A body corporate with right of succession.* The inhabitants of the city of Fayetteville shall continue as heretofore a body politic and corporate under the name and style of "The City of Fayetteville" and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed to it, and may invest, sell or dispose thereof, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights, and privileges necessary for its proper government or usually appertaining to municipal corporations.

Succession to all property rights.

SEC. 3. *Succession to all property rights.* All property, real and personal and mixed of whatsoever character and description, and wheresoever situate, now held, controlled or used by the

city of Fayetteville for any purpose or which may hereafter be held, controlled or used by said city or which may have been vested in said city by virtue of any laws of the State of North Carolina, and any and all judgments, liens, right of liens and causes of actions of any and all kinds in favor of said city of Fayetteville shall vest, remain and inure to and in it, its successors and assigns.

SEC. 4. *Corporate limits and boundaries.* That the boundary lines and corporate limits of the city of Fayetteville, as the same have for a long time been fixed and established, and as enlarged and extended at an election held pursuant to an act of the General Assembly ratified on the eleventh day of March, nineteen hundred and seven, as amended by chapter twenty-two of the Private Laws of the extra session of nineteen hundred and eight, shall continue to be and constitute the corporate limits and boundary lines of the city, and which present boundary lines are not and are not intended to be extended or enlarged by this amendment.

Corporate limits and boundaries.

SEC. 5. *City divided into wards.* That the said territory shall continue to be divided into eight wards as the same are now laid out, designated and established, and the boundaries and limits of each of which are not and are not intended to be changed or altered in any respect at this enactment.

City divided into wards.

ARTICLE 2

CORPORATE POWERS ENUMERATED IN PART

SECTION 1. *Powers additional to others.* In addition to the other statutory and inherent power and authority to do and perform all such acts and things as may be necessary and proper in effectuating the purpose for which it has been created, the city of Fayetteville shall have the following powers, to wit:

Additional powers to wit:

To acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase.

To acquire property.

To sell, lease, hold, manage, and control such property and make all rules and regulations by ordinance or resolution which may be required to carry out fully the provisions of any conveyance, deed or will in relation to any gift or bequest, or the provisions of any lease by which the city may acquire property.

To sell, hold manage and control property.

To purchase, conduct, own, lease, and acquire utilities.

To purchase, etc., utilities.

To appropriate the money of the city for all lawful purposes.

To appropriate money.

To create, provide for, construct, regulate, and maintain all things in the nature of public works, buildings and improvements.

Provide for public works, etc.

To supervise, regulate, or suppress, in the interest of public morals, public recreations, amusements and entertainments, and

Supervision
public morals.

to define, prohibit, abate, or suppress all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the people, and all nuisances and causes thereof.

Ordinances
for peace.

To pass such ordinances as are expedient for maintaining and promoting the peace, good government, and welfare of the city, and the morals and happiness of its citizens, and for the performance of all municipal functions.

Destruction
of weeds.

To provide for the destruction of noxious weeds, and for payment of the expense thereof by assessment or otherwise.

Regulate
erection fences,
etc.

To regulate the erection of fences, billboards, signs, and other structures, and provide for the removal or repair of insecure billboards, signs and other structures.

Enforce
regulations.

To make and enforce local police, sanitary and other regulations.

Parks.

To acquire, lay out, establish, and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same.

Erect, repair
and alter
public
buildings.

To erect, repair and alter all public buildings.

Going at
large of
horses, etc.

To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of the board of aldermen, and to prevent, regulate and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Regulate
plumbing.

To regulate and control plumbers and plumbing work, and to enforce efficiency in the same by examination of such plumbers and inspection of such plumbing work.

Regulate
gunpowder
houses, etc.

To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Regulate use
of dynamite, etc.

To regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise.

To direct, control, and prohibit the laying of railroad and street railway tracks, turnouts, and switches in the streets, avenues, and alleys of the city unless the same shall have been authorized by ordinances, and to require that all railroads, street railways, turnouts and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in the city, and to construct and keep in repair suitable crossings at the intersections of streets, avenues and alleys and ditches, sewers and culverts, where the board of aldermen shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains, and cars within the city.

Regulate laying of railroads, etc.

To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running, and operation of the same so as to prevent injury or inconvenience to the public.

Regulate use of streets for street cars.

To make such rules and regulations in relation to butchers as may be necessary and proper; to establish and erect market houses, and designate, control, and regulate market places and privileges.

In re butchers.

To prohibit and punish the abuse of animals.

Abuse of animals.

To acquire, establish, and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages and births.

In re cemeteries.

To prohibit prize-fighting, cock and dog fighting.

Prohibit prize-fighting, etc.

To regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind, and the exhibition of natural and artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances.

Regulate use of theaters.

To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief; also, to insure policemen, firemen, or any class of city employees against death or disability, or both, during the term of their employment, under forms of insurance known as group insurance; the amount of benefit on the life of any one person not to exceed the sum of two thousand dollars and the premiums on such insurance to be payable out of the current funds of the municipality.

Fund for helpless policemen or firemen.

Group insurance.

To prevent and abate nuisances, whether on public or private property.

Nuisances.

To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

Business detrimental to health.

Condemn dangerous buildings.

To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property on account of the fire risk or for other cause, under such rules and regulations as it may by ordinance establish; and likewise suppress any and all other nuisances maintained in the city.

Inspections for safety of citizens.

To provide for all inspections which may be expedient, proper, or necessary for the welfare, safety, and health of the city and its citizens, and regulate the fees for such inspection.

Articles of commerce.

To require any or all articles of commerce or traffic to be gauged, inspected, measured, weighed, or metered, and to require every merchant, retail trader or dealer in merchandise or property of any description which is sold by weight or measure to have such weights and measures sealed and to be subject to inspection.

Regulation traffic.

To provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the city.

Examination of drivers.

To require the examination of all drivers of motor vehicles upon the streets and highways of the city, to prescribe fees for such examinations, and to prevent the use of such vehicles by all persons who shall not satisfactorily pass such examination.

Emission of smoke.

To regulate the emission of smoke within the city.

Pool rooms.

To license, prohibit, and regulate pool and billiard rooms and dance halls, and all other games and forms of amusement, and in the interest of public morals provide for the revocation of such licenses.

Electrical work.

To regulate and control electricians and electrical work and to enforce efficiency in the same by examination of such electricians and inspection of such electrical work.

Vehicles for hire.

To license and regulate all vehicles operated for hire in the city.

Waterworks, etc.

The city shall have the right to acquire, establish, and operate waterworks, electric lighting systems, gas systems, schools, libraries, cemeteries, market houses, wharves, play or recreation grounds, athletic grounds, parks, abattoirs, slaughter-houses, sewer systems, garbage and sewage disposal plants, auditoriums or places of amusement or entertainment, and armories. The city shall have the further right to make a civic survey of the city, establish hospitals, clinics, or dispensaries for the poor, and dispense milk for babies; shall have the power to establish a system of public charities and benevolence for the aid of the poor and destitute of the city; for the welfare of visitors from the country and elsewhere, to establish rest rooms, public water-closets and urinals, open sales places for the sale of produce,

Civic survey, etc.

places for hitching and caring for animals and parking automobiles; and all reasonable appropriations made for the purposes above mentioned shall be binding obligations upon the city, subject to the provisions of the Constitution of the State.

To acquire property in fee simple and to use the lands now owned in fee simple or otherwise for the purpose of establishing and maintaining new cemeteries. To abandon any cemetery which has not been used for interment purposes within ten years, and to remove or consolidate such cemetery, so abandoned, and the monuments, tombstones, fences, walls, and enclosures and the contents of any graves therein, or any part of either, at its own expense, to or with any established cemetery maintained for interment purposes; to take possession of, convey or utilize the land in such abandoned cemetery, or any part thereof, as may best subserve the interests of the city.

Property in fee simple.

Abandon cemetery.

When there is any lot, or lots, owned by one or more persons, upon which water shall collect, either by falling upon the said lot or lots or collected thereon by drainage or otherwise from adjacent lots, no adequate drainage from which is provided by natural means, the board of aldermen of the city, upon being advised by the health officer of the city or county that the conditions so existing are, or are liable to become, a nuisance and a menace to health, is authorized to abate the nuisance, and to that end may proceed to abate it in the following manner:

Land with standing water.

Abate nuisance.

The city shall cause a survey to be made by a competent engineer to ascertain the means and methods and costs of providing an adequate drainage from such lot or lots and such engineer shall prepare plans and specifications to provide such drainage, with the estimated cost thereof, and in making such survey he shall include therein the area of adjoining and adjacent lots which will be drained by such system of drainage. He shall also include in such survey the area of all adjoining and adjacent lots from which water flows and is gathered upon the lot or lots which are to be drained. The city shall thereupon cause notice to be served upon the owner of the lot or lots drained and the owners of such adjacent lots as shall be affected, as herein set forth, which notice shall state, in general and briefly the fact that a nuisance has been created and so declared; that it is the purpose of the city to abate the same by causing a system of drainage to be put in, and the assessed cost against every such owner as hereinafter provided; that the report of the engineer is on file and subject to inspection, and that on a date to be named in the notice a hearing will be had before the board as to whether the plan shall be adopted and the assessment shall be made, at which hearing the persons affected may be present

Survey.

Notice.

and present such objections as they may have to the adoption of the report of the engineer and the doing of the work.

Hearing.

At the hearing provided for, if the board of aldermen of the city shall determine that the work shall be done, and that the plans and specifications of the engineer are proper, it may adopt the said plans and specifications, and have the work done, either by letting a contract therefor or otherwise, and in the event a contract is let, it shall be advertised as is provided for in other cases of municipal work.

Assessment of costs.

Each and every owner of a lot affected by the plan or system shall be assessed with the costs thereof, upon the following basis, that is to say: He or she shall pay such proportion of the total cost as the area of his or her lot may bear to the total area, as shown by the plans of the engineer when adopted by the board of aldermen, which said sum shall be due in such annual installments as the board of aldermen may determine, which shall not exceed five in number, and such installments shall bear interest.

Area.

The area which shall be included within and drained by the plans and specifications as herein provided for is hereby declared to be a "special improvement district."

Power to execute notes of city.

For the purpose of enabling the board of aldermen of the city to obtain money with which to pay for the improvements herein authorized to be made, such board of aldermen is hereby authorized and empowered to execute the notes of the city, payable in such installments as are the assessments, and the assessments made shall be pledged for the payment of the said notes; such notes shall bear a rate of interest not exceeding six per cent and may be sold publicly or privately at not less than par and accrued interest, and shall be due in not more than five years, and at such time and in such installments as the assessments made shall be due: Provided, the due date of the notes may be made sixty days after the due date of any of the assessments.

Payment of notes.

The full faith and credit of the city shall be pledged for the payment of the said notes and interest when due.

Collection.

The assessments, when made, shall be a lien upon the property benefited, and shall be collectible by the same means and methods as are other assessments for local or special improvements as is provided for in article nine of chapter fifty six of the Consolidated Statutes.

Enumeration of powers not exclusive.

SEC. 2. *Enumeration of powers not exclusive.* The foregoing enumeration of particular powers shall not be held or deemed to be exclusive, but in addition to the powers enumerated or implied herein, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of North Carolina now or hereafter may be

granted to cities. Powers proper to be exercised, and not specially enumerated herein, shall be exercised and enforced in the manner prescribed herein; or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the board of aldermen.

SEC. 3. *Effect of ordinances extending beyond the city limits.* All ordinances, rules and regulations of the city now in force, or that may hereafter be enacted by the board of aldermen in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of aldermen, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of the city limits within one mile in all directions of same, and to the rights-of-way of all water, sewer, and electric light lines of the city without the corporate limits, and the rights-of-way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and upon all property and rights-of-way of the city outside the corporate limits and the above mentioned territorial limits, wheresoever the same may be located, including the right to regulate within such area the erection, posting and maintenance of all billboards and advertisements of every kind and nature whatsoever.

Effect of ordinances extended beyond city limits.

ARTICLE 3

POWER TO ACQUIRE PROPERTY

SECTION 1. *By agreement of purchase.* When in the opinion of the board of aldermen any land, right-of-way, water right, privilege, or easement, either within or outside the city, shall be necessary for the purpose of opening, establishing, building, widening, extending, enlarging, maintaining, or operating any streets, parks, playgrounds, cemetery, water, electric light, power, gas, sewerage or drainage systems, wharves or other public utility so owned, operated and maintained by or on behalf of the city, such governing body, or board of aldermen, may purchase such land, right-of-way, water right, privilege, or easement from the owner or owners thereof and pay such compensation therefor as may be agreed upon.

Power to acquire property.

Agreement of purchase.

SEC. 2. *Condemnation proceedings.* If the city of Fayetteville shall be unable to acquire by purchase, gift or otherwise, any real estate necessary for any of the purposes specified in this charter, it shall have and is hereby given the right to acquire title to the same in the manner and by the special proceedings herein prescribed.

Condemnation proceedings.

Petition
filed.

SEC. 3. *Petition filed; contains what; copy served.* For the purpose of acquiring such title the city, or the owner of the land sought to be condemned, may present a petition to the clerk of the Superior Court of Cumberland County in which the real estate described in the petition is situated, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified according to the rules and practice of such court; and if filed by the city it must contain a description of the real estate which the city seeks to acquire; and it must, in effect, state that the city is duly incorporated, and that it is its intention in good faith to conduct and carry on the public business authorized by its charter, stating in detail the nature of such public business, and the specific use, of such land; that the land described in the petition is required for one of the purposes mentioned herein, and that the city has not been able to acquire title thereto, and the reason of such inability. The petition, whether filed by the city or the owner of the land, must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate; and if any such persons are infants, their ages, as near as may be, must be stated; and if any such persons are idiots or persons of unsound mind or are unknown, that fact must be stated, together with such other allegations and statements of liens or encumbrances on said real estate as the city or the owner may see fit to make. A summons as in other cases of special proceedings, together with a copy of the petition, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the hearing of the same by the court.

Contents.

Copy served.

SEC. 4. *How process served.* The summons and a copy of the petition shall be served in the same manner as in special proceedings.

How process
served.

SEC. 5. *Service where parties unknown.* If the person on whom such service of summons and petition is to be made is unknown, or his residence is unknown and cannot by reasonable diligence be ascertained, then such service may be made under the direction of the court, by publishing a notice, stating the time and place within which such person must appear and plead, the object thereof, with a description of the land to be affected by the proceedings in a paper, if there be one, printed in Cumberland County, once in each week, for four weeks previous to the time fixed by the court, and if there be no paper printed in said county, then in a newspaper printed in the city of Raleigh.

Service where
parties
unknown.

Publish notice.

SEC. 6. *When court may direct how papers to be served.* In all cases not herein otherwise provided for, service of orders, notices, and other papers in the special proceedings authorized by this chapter may be made as in other special proceedings.

When court may direct how papers to be served.

SEC. 7. *Answer to petition; hearing; commissioners appointed.* On presenting such petition to the Superior Court, with proof of service of a copy thereof, and of the summons, all or any of the persons whose estates or interests are to be affected by the proceedings may answer such petition and show cause against granting the prayer of the same, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders who reside in Cumberland County, and shall fix the time and place for the first meeting of the commissioners.

Answer to petition; hearing; appointment of freeholders.

SEC. 8. *Powers and duties of commissioners.* The commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially appraise the lands mentioned in the petition. Any one of them may issue subpoenas, administer oaths to witnesses, and any two of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause ten days notice of such meeting to be given to the parties who are to be affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the compensation which ought justly to be made by the city to the party or parties owning or interested in the real estate appraised by them. They shall report the same to the court within ten days.

Powers and duties of commissioners.

SEC. 9. *Form of commissioners' report.* When the commissioners shall have assessed the damages, they shall forthwith make and subscribe a written report of their proceedings, in substance, as follows:

Form of commissioner's report.

To the Clerk of the Superior Court of Cumberland County:

We, commissioners appointed by the court to assess the damages that have been or will be sustained by....., the owner of certain land lying in the county of Cumberland, which the city proposes to condemn for its use, do hereby certify that we

met on (or the day to which we were regularly adjourned), and having first been duly sworn, we visited the premises of the owner, and after taking into full consideration the quality and quantity of the land aforesaid, the additional fencing likely to be occasioned by the work of the city, and all other inconveniences likely to result to the owner, we have estimated and do assess the damages aforesaid at the sum of \$.....

We have estimated the special benefits which the said owner will receive from the construction of said works to be the sum of \$.....

Given under our hands, the day of, A.D. 19.....

Exceptions
to report.

Hearing appeal.

SEC. 10. *Exceptions to report; hearing; appeal; when title vests; restitution.* Within twenty days after filing the report the city or any person interested in the said land may file exceptions to said report, and upon the determination of the same by the court either party to the proceedings may appeal to the court at term, and thence, after judgment, to the Supreme Court. The court or judge on the hearing may direct a new appraisal, modify or confirm the report, or make such order in the premises as to him shall seem right and proper. If the city, at the time of the appraisal, shall pay into court the sum appraised by the commissioners, then and in that event the city may enter, take possession of, and hold said lands, notwithstanding the pendency of the appeal, and until the final judgment rendered on said appeal. And if there shall be no appeal, or if the final judgment rendered upon said petition and proceedings shall be in favor of the city, and upon the payment by the city of the sum adjudged, together with the costs and counsel fees allowed by the court, into the office of the clerk of the Superior Court, then and in that event all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such easement in such real estate during the corporate existence of the city. A certified copy of such judgment under the seal of the court shall be registered in the county of Cumberland, and a copy of the same, or the original certified, may be given in evidence in all actions and proceedings as deeds for lands are now allowed to be read in evidence. All real estate acquired by the city under and pursuant to the provisions of this chapter for its purposes shall be deemed to be acquired for the public use. But if the court shall refuse to condemn the land, or any portion thereof, to the use of the city, then, and in that event, the money paid into court, or so much thereof as shall be adjudged, shall be refunded to the city. And the city shall have no right to hold said land not condemned, but shall surrender the possession of the same, on demand, to the owner or owners, or his or their

Money
refunded.

agents or attorney. And the court or judge shall have full power and authority to make such orders, judgments and decrees, and issue such executions and other process as may be necessary to carry into effect the final judgment rendered in such proceedings. If the amount adjudged to be paid the owner of any property condemned shall not be paid within one year after final judgment in the proceeding, the right under the judgment to take the property or rights condemned shall ipso facto cease and determine, but the city shall still remain liable for all amounts adjudged against it except the consideration for the property.

Authority
of court.

City liable.

SEC. 11. *Provisions for jury trial on exceptions to report.* In any action or proceeding brought by the city hereunder, any person interested in the land, right or easement sought to be condemned, and the city itself, shall be entitled to have the amount of damages assessed by the commissioners or jurors heard and determined upon appeal before a jury of the Superior Court in term, if upon the hearing of such appeal a trial by jury be demanded.

Provisions
for jury trial
on exceptions to
report.

SEC. 12. *When benefits exceed damage, city pays costs.* In any case where the benefits caused by the improvements are ascertained to exceed the damages to the owner or person interested, the city shall pay the costs of the proceeding except as provided by law, and shall not have a judgment for the excess of benefits over the damage.

City to
pay costs.

SEC. 13. *Title of infants, persons non compos, and trustees without power of sale, acquired.* In case any title or interest in real estate required by the city for its purposes shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot, or person of unsound mind, the Superior Court shall have power, by a special proceeding, on petition, to authorize and empower such trustee or the general guardian or committee of such infant, idiot, or person of unsound mind, to sell and convey the same to the city, on such terms as may be just and in case any such infant, idiot, or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if

Title of
infants, etc.

Report to
court.

executed by an owner of said land having legal power to sell and convey the same.

Rights of claimants of fund determined.

SEC. 14. *Rights of claimants of fund determined.* If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the city, and may determine who is entitled to the same and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Attorney for unknown parties appointed.

SEC. 15. *Attorney for unknown parties appointed; pleadings amended; new commissioners appointed.* The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent, and shall make an allowance to said attorney for his services, which shall be taxed in the bill of costs. The court shall also have power at any time to amend any defect or formality in any of the special proceedings authorized by this chapter as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; and also to appoint other commissioners in place of any who shall die, refuse or neglect to serve or be incapable of serving.

Court authorized make rules of procedure.

SEC. 16. *Court may make rules of procedure in.* In all cases of appraisal under this chapter where the mode or manner of conducting all or any of the proceedings to the appraisal and the proceedings consequent thereon are not expressly provided for by the statute, the courts before whom such proceedings may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this chapter, and the practice in such cases shall conform as near as may be to the ordinary practice in such courts.

Change of ownership pending proceeding.

SEC. 17. *Change of ownership pending proceeding.* When any proceedings of appraisal shall have been commenced, no change of ownership by voluntary conveyance or transfer of the real estate or other subject-matter of the appraisal, or any interest therein, shall in any manner affect such proceeding, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Defective title; how cured.

SEC. 18. *Defective title; how cured.* If at any time after an attempt to acquire title by appraisal of damages or otherwise it shall be found that the title thereby attempted to be acquired is defective, the city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the city, if in possession, to continue in possession, and if

not in possession, to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the city on account thereof, on the city paying into court a sufficient sum or giving security as the court may direct to pay the compensation therefor when finally ascertained, and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the city delays or omits to prosecute the same.

ARTICLE 4

STREETS AND SIDEWALKS

SECTION 1. *Power to make, improve and control.* The board of aldermen shall have power to open, lay out and establish, widen, extend or close, control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the city and make such improvements thereon as it may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals and vehicles; to prevent, abate, and remove obstructions, encroachments, pollution or litter therein: and shall have under its government, management, and control all parks and squares within or without the city limits established by the governing body for the use of the city except as otherwise provided.

SEC. 2. *Resolution requiring sidewalks to be laid.* The board of aldermen shall have authority to order and direct by suitable resolution that sidewalk or sidewalks be laid upon any street or streets or sections, or portions thereof, within the city in conformity with plans and specifications prescribed and fixed by the board, and to require, in the board's discretion, that the owner or owners of any lot or lots fronting and abutting upon any such street or streets or portion thereof shall lay such sidewalk across the frontage of such lot or lots at the cost of such owner or owners. When any such resolution is adopted by the board, it shall give personal notice to the owner or owners of any lot or lots affected thereby if such owner or owners can be found within the city, but if such owner or owners cannot be found within the city, then publication of such resolution once in each of two consecutive weeks in some newspaper published in the city shall be deemed and held to be sufficient notice. If the owner or owners of any lot or lots across the frontage of which it is required that a sidewalk be laid shall fail to comply with

Streets and sidewalks.

Power to make, improve and control.

Resolution requiring sidewalks to be laid.

the terms of such resolution within the time therein specified, then the city of Fayetteville shall cause such sidewalk or sidewalks to be laid at its expense and the entire cost thereof and interest shall thereupon be especially assessed and collected from such lot or lots in the manner prescribed by chapter fifty-six, article nine of the Consolidated Statutes of North Carolina of nineteen hundred nineteen.

Assesment
of street
improvements.

SEC. 3. *Assessment of street improvements.* The board of aldermen of the city of Fayetteville is hereby expressly authorized and empowered to specially assess two-thirds of the total cost of any street improvement, exclusive of so much of the cost as is incurred at street intersections and the share of railroads and street railways, upon the lots and parcels of land abutting directly upon such improvements, according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage, without any petition being filed with it requesting such improvement and special assessment.

Local
improvements.

SEC. 4. *Local improvements.* Local improvements to be made in the city of Fayetteville shall be governed by the provisions of article nine of chapter fifty-six of the Consolidated Statutes of North Carolina of nineteen hundred nineteen, in all respects except as the provisions of said article and chapter are herein and hereby modified or enlarged.

ARTICLE 5

PROTECTION OF PUBLIC HEALTH

Protection
of public
health.

SECTION 1. *Ordinances for protection of health.* The board of aldermen is hereby given, within the city limits and for one mile beyond the same, all the power and authority that is now or may hereafter be given by law to the county health officer or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of aldermen is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper.

Ordinances
for protection
of health.

SEC. 2. *Establish hospitals, pesthouses, quarantine, etc.* The board of aldermen may acquire, establish, and maintain a hospital or hospitals, or pesthouses, slaughterhouses, rendering plants, incinerators and crematories in the city limits or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or house of detention persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate, or destroy

Hospitals,
pesthouses, etc.

furniture, bedding, clothing, or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to preserve better the health of the citizens. All expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this section, may be recovered by it from the person, persons, or property cared for; and when expense is incurred in caring for property, the same shall become a lien on such property. Any person who shall attempt by force, or by threat of violence, to prevent his removal or that of any other person to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this article, shall be guilty of a misdemeanor.

Expenses.

SEC. 3. *Elect health officer.* The board of aldermen of the city of Fayetteville may elect a health officer for the city and employ or authorize to be employed such other persons as it may deem necessary to properly protect the health of the people of the city, which health officer and other employees shall serve at the pleasure of the board. The board may fix and prescribe the duties of such health officer and other employees, fix their compensation, and require of them such reports and other services as the board shall think best, and it may expend and shall expend only such money as appears to it to be reasonably necessary in equipping and maintaining a health department of the city.

Election
health
officer.

SEC. 4. *Regulate the management of hospitals.* The board of alderman is hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums which may have for treatment any patient afflicted with any infections, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of the said board shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Management
of hospitals.

SEC. 5. *Provide for removal of garbage.* The board of aldermen may by ordinance provide for the removal, by wagons or carts, of all garbage, slops, and trash from the city; and when the same is not removed by the private individual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores, and other places of habitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops, and trash ready and in con-

Removal
garbage.

venient places and receptacles, and may charge for such removal the actual expense thereof.

Menaces
to health.

SEC. 6. *Abate or remedy menaces to health.* The board of aldermen, or officer or officers who may be designated for this purpose by the board of aldermen, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of such limits, which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Establish and
control markets.

SEC. 7. *Establish and control markets.* The board of aldermen of the city shall have power to provide for the establishment, maintenance, and regulation of open air or enclosed markets and slaughter places; may prescribe the time and place of sale of fresh meats, fish, and other marketable products therein; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale, and may from time to time adopt such ordinances, rules and regulations as it shall deem best governing and controlling in every detail the building, renting, use and operation of any market or market house, or any room or building, used as such in which fresh meat or fish of any description are kept or offered for sale.

Watershed.

SEC. 8. *Watershed.* The board of aldermen of the city of Fayetteville is hereby authorized and empowered to adopt such ordinances, rules and regulations as in its judgment may be necessary or proper in protecting and safeguarding the watershed of the city's reservoir against any use whatsoever that would endanger the city's water supply, whether such watershed be located within or without the city's limits.

Cemeteries.

SEC. 9. *Cemeteries.* The board of aldermen of the city of Fayetteville is hereby authorized and empowered to adopt such ordinances, rules and regulations as may be necessary and proper for the protection and policing of any cemetery in or within one mile of said city, and conveyance may be made in the discretion of the board to Cross Creek cemetery commission by deed or otherwise, of any right, title or interest which the city now has or may hereafter acquire in any cemetery property located in or near the city.

ARTICLE 6

MUNICIPAL OFFICERS

Municipal officers.

Board of aldermen.

SECTION 1. *The board of aldermen.* The governing body of the city of Fayetteville shall consist of a board of eight aldermen, one of whom shall be a resident of and selected from each ward in the city, and all of whom shall be biennially elected by the qualified voters of the city at the time and in the manner hereinafter prescribed and shall hold office until their successors are duly elected and qualified: *Provided*, that the present board of aldermen shall continue to hold office and be and constitute the board of aldermen until the election and qualification of their successors as hereinafter provided for.

Qualification of aldermen.

SEC. 2. *Aldermen qualify; when and how.* On the Monday next succeeding the day of election the aldermen elected shall qualify by taking the following oath or affirmation, to wit: "I,, do solemnly swear that I will truly and impartially perform the duties of alderman to the city of Fayetteville according to the best of my skill, ability and judgment; so help me God." Thereupon the aldermen shall organize as a board for the transaction of business and thereby shall assume the duties and responsibilities of the office.

General duties.

SEC. 3. *General duties.* The board of aldermen shall collectively and individually give careful and diligent attention to all of the affairs of the city of Fayetteville, and shall seek faithfully to govern the same in such manner as will confer the greatest benefit upon all the people thereof without fear or favoritism, and shall do all such acts and things as may be required of them by this charter and the laws of North Carolina.

Selection of subordinate officers.

SEC. 4. *Aldermen select subordinate officers.* The board of aldermen at such time or times as shall be deemed best may appoint a chief of police and an assistant to the chief of police and as many policemen as shall be deemed best, a tax collector, a chief of the fire department, a building inspector, a superintendent of streets, a city clerk, a city treasurer, a city attorney, a health officer and such other officers, agents and employes as the board may deem necessary to enforce the ordinances and regulations, keep the records and conduct the affairs of the city, all of whom may be elected or employed for such term not in excess of two years, as the board may deem best, and shall fix the salary or compensation of each. The said board shall likewise fix the salary or compensation of the mayor. The board shall likewise have the power to impose upon its officers,

agents and employees, other than the mayor, such oath of officer and require of them such bond guaranteeing the faithful discharge of their duties as it may deem best, and for malfeasance or corruption in office is hereby given the power to remove any officer, agent or employee of the city.

Meetings
board of
aldermen.

SEC. 5. *Meetings of the board of aldermen.* The board of aldermen shall meet at least once in each calendar month of the year, which until otherwise fixed by the board shall be on the second Monday night in each month. Special meetings of the board of aldermen may be held upon a written call signed by the mayor or signed by a majority of the aldermen. When a meeting called in either of said ways has been convened and a majority of the members of the board are present any business may be transacted thereat with the same force and effect as if it were a regular meeting. Each alderman shall receive five dollars for each meeting attended and participated in, not to exceed forty meetings per annum. A majority of said board shall always constitute a quorum for the transaction of business.

Appointment
of committees.

SEC. 6. *Appointment of committees by the board.* The board of aldermen may from time to time appoint such special or permanent committees of the board as it shall see fit and fix the duties thereof. It may appoint a committee with power to act upon any matter which the board in its discretion sees fit, which committee shall thereupon be empowered to conclude such matter finally on behalf of the board. The board shall appoint a finance committee to do and perform all such acts and things as now are or hereafter may be required of such a committee by the Municipal Finance Act or any amendment thereof.

Publication
financial
statements.

SEC. 7. *Publish financial statements.* The board of aldermen shall cause to be published quarterly in some newspaper of general circulation in the city a statement of all receipts and disbursements, which shall show the source from which received and to whom and on what account paid, and shall cause to be published at the end of each fiscal year a condensed and classified statement of all receipts and disbursements by the city, showing the source of each and the account on which expended.

City sinking
fund.

SEC. 8. *The city sinking fund.* The full faith and credit of the city of Fayetteville shall be deemed to be pledged for the punctual payment of the principal of and interest upon every bond and note issued under this or any other act, including assessment bonds or other bonds for which special funds are provided. The board of aldermen of the city of Fayetteville shall have and are hereby given the power to levy taxes ad valorem upon all the taxable property therein for the purpose of paying the principal of or the interest upon any bonds or

notes for the payment of which said city is liable, issued under this or any other act, or for the purpose of providing a sinking fund for the payment of the principal of any such bond or note. The powers hereby conferred in respect to the levy of taxes for the payment of the principal and interest of bonds and notes shall not be subject to any limitation prescribed by law upon the amount or rate of taxes which the said city may levy, and taxes levied under this section shall be levied and collected in the same manner as other taxes are levied and collected upon property in the city. The board of aldermen of the city of Fayetteville shall annually levy and collect a tax ad valorem upon all of the taxable property in the city sufficient to pay the principal and interest upon all bonds or notes issued under this or any other act as and when such principal and interest shall become due: *Provided, however,* that such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose. So much of the net revenue derived by the city in any fiscal year from the operation of any revenue-producing enterprise owned by the city, after paying all expenses of operating, managing, maintaining, repairing, enlarging and extending such enterprise, shall be applied, first, to the payment of the interest payable in the next succeeding year on bonds issued for such enterprise, and, next, to the payment of the amount necessary to be raised by tax in such succeeding year for the payment of the principal of said bonds. All moneys derived from the collection of special assessments upon which assessment bonds or notes are predicated shall be placed in a special fund, and used only for the payment of such bonds or notes.

The sinking fund arising under the foregoing provisions shall be under the control of the board of aldermen, and so much thereof as the board may deem prudent shall from time to time be invested by the finance committee of said board in bonds of

Bonds.

- (a) The United States;
- (b) The State of North Carolina;
- (c) Bonds of any other state whose full faith and credit are pledged to the payment of the principal and interest thereof;
- (d) Bonds of any county, city, town, township or school district of North Carolina which are general obligations of the subdivision or municipality issuing the same and for the payment of which, both principal and interest, there is no limitation of the rate of taxation;
- (e) Bonds of any county having a population of thirty thousand or more by the last preceding Federal census and of any city having a population of twenty thousand or more by such

census, in any state of the Union, which are general obligations of the county or city issuing the same, and for the payment of which, both principal and interest, there is no limitation of the rate of taxation;

(f) Upon notes secured by deed of trust upon improved real estate situated in said city of Fayetteville to an amount which shall in no case exceed fifty per cent of the assessed valuation for taxation of such real estate or fifty per cent of the actual fair market value of such real estate in the event that the assessed value for taxation should appear too high; and no amount of such fund in excess of five thousand dollars shall be loaned to any one person, firm, corporation or allied interest and no amount thereof in excess of five thousand dollars shall be invested at all without the express approval of the board of aldermen and the board of audit and finance, and upon all such matters an aye and nay vote of each of said boards shall be taken and recorded.

No bonds as aforesaid shall be purchased by the finance committee or said boards at more than the market price thereof, nor sold at less than the market price thereof, and with any purchase of bonds the vendor shall deliver with them the opinion of an attorney believed by the purchaser to be competent and recognized authority upon such securities, to the effect that they are valid obligations and comply with the conditions of subsections (c) and (e) hereof, it being the intention of this requirement that the same shall be reasonably secured by such attorney's opinion that such bonds are not only valid and in compliance with this act, but that the same shall not be un-saleable because of doubts as to the validity thereof; and no loan shall be made upon any notes secured by deed of trust upon real estate as aforesaid until the opinion of some reputable attorney has been secured certifying in writing that the title to such real estate has been examined and approved and that such deed of trust in fact is and constitutes a first lien thereon.

That all interest and revenues upon bonds, notes or other securities held for said sinking fund and any profit made on the resale of any of such shall become and be a part of the sinking fund. No part of the funds aforesaid shall be used for any other purpose whatsoever than as a sinking fund for the payment of the principal and interest of the bonds or notes of the city of Fayetteville as above set out in this section, and it is hereby declared to be the duty of the board of aldermen and the board of audit and finance to at all times safeguard and preserve the same for such purposes only.

Interest and
revenues upon
bonds.

SEC. 9. *Accounting system and audit.* The board of aldermen shall cause to be installed and used an accounting system to be devised and maintained which shall exhibit the condition of the city's assets and liabilities, the value of its several properties, and state of its several funds. Such system shall be adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements. The recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government; and there shall be included distinct summaries and schedules for each public utility owned and operated by the city. In all respects, as far as the nature of the city's business permits, the accounting systems maintained shall conform to those employed by progressive business concerns and approved by the best usage. The board of aldermen shall have power to employ accountants to assist in devising such accounting system and shall have made an annual audit of every department of the city.

Accounting system and audit.

SEC. 10. *Mayor pro tem.* The board of aldermen at its first meeting shall elect from its number a mayor pro tem, who shall, in the absence of the mayor or at other times when he may be called upon by the mayor so to do, preside over the meetings of the board. When the mayor is absent from the city, or for any reason is incapable of performing his duties as such, all of the acts and things required herein or by law to be done and performed by the mayor, and shall be done and performed by the mayor pro tem, with the same force and effect as if by the mayor himself.

Mayor pro tem.

SEC. 11. *Vacancy; how filled.* Any vacancy occurring upon the board of aldermen or the board of audit and finance shall be filled by the board of aldermen at any regular or special meeting.

Vacancies; how filled.

SEC. 12. *Legislative powers; how exercised.* Except as otherwise specially provided, the legislative powers of the board of aldermen may be exercised as provided by ordinance or rule adopted by it.

Legislative powers.

SEC. 13. *Quorum and vote required.* Every member of the board of aldermen shall have the right to vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance.

Quorum and vote required.

Adoption of ordinance.

SEC. 14. *Ordinances; how adopted.* No ordinance shall be passed finally on the date on which it is introduced, unless by two-thirds vote of those present. No ordinance making a grant, renewal, or extension, whatever its kind or nature, of any franchise or special privilege shall be passed until voted on at two regular meetings, and no such grant, renewal, or extension shall be made otherwise than by ordinance, and no ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with the provisions hereof.

Board of audit and finance.

SEC. 15. *Board of audit and finance.* There shall also be a board of audit and finance for the city consisting of three members elected from the city at large at the same time and in the same manner as the aldermen are elected and who shall hold office for a like term: *Provided*, the present board of audit and finance shall continue to hold office until their successors are elected and qualified.

Qualification of board of audit and finance.

SEC. 16. *Board of audit and finance qualify; when and how.* On the Monday next succeeding the day of election each member of the board of audit and finance elected shall qualify by taking the following oath or affirmation, to wit: "I, do solemnly swear that I will truly and impartially perform the duties as a member of the board of audit and finance of the city of Fayetteville according to the best of my skill, ability and judgment; so help me God."

Duties of board.

SEC. 17. *Duties of the board of audit and finance.* It shall be the duty of the board of audit and finance to consider and act upon the charges fixed for privileges of various kinds and to make recommendations to the mayor and board of aldermen as to all such matters as shall affect the finances of the city of Fayetteville and no appropriation of moneys or expenditures or contracts affecting the finances of the city shall be made by the mayor and board of aldermen until the same shall be approved by at least two members of the board of audit and finance, but said board of audit and finance shall have no power or authority to do anything binding upon the city of Fayetteville otherwise than to concur in or veto the action of the board of aldermen in matters of finance and contracts affecting the finances of the city: *Provided*, that upon a veto by the board of audit and finance of the action of the board of aldermen, it shall be the duty of said board of audit and finance to report to the board of aldermen in writing at the next regular or called meeting of said board of aldermen, such veto, together with the cause of the same, and such communication from the board of audit and finance to the board of aldermen shall be spread upon the minutes of the board of aldermen and at the next regular or called meeting of the board of aldermen the mayor, after having caused such communication

to be 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 board of aldermen shall prevail.

SEC. 18. *Examine books and vouchers.* Said board of audit and finance shall have the power and authority at will to examine the books and vouchers of the treasurer and of the tax collector of the city of Fayetteville and it shall be the duty of said officers at the request of a majority of said board of audit and finance to appear before the said board and to give them any desired information relative to the affairs of said offices.

Examination
books and
vouchers.

SEC. 19. *Mayor.* At the same time and in the same manner as herein provided for the election of aldermen there shall be elected by the qualified voters of the city at large a mayor of the city of Fayetteville, and in which election the person having the highest number of votes shall be declared elected. In case of a vacancy in the office of mayor the board of aldermen shall fill the same: *Provided*, the present mayor shall continue to hold office until the election and qualification of his successor as hereinafter provided for.

Mayor.

SEC. 20. *Qualifies; when and how.* Before entering upon the discharge of his duties the mayor shall take and subscribe before some person authorized to administer oaths the following oath, to wit: "I,, do solemnly swear that I will diligently endeavor to perform faithfully and to the best of my skill and ability and judgment all the duties of the office of mayor for the city of Fayetteville, and to cause to be executed the laws and ordinances made for the government of said city, and in the discharge of my duties I will do equal justice to all cases whatsoever."

Qualification
of mayor.

SEC. 21. *Jurisdiction of.* The mayor of the city of Fayetteville is hereby constituted a special court with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, on proper proceedings, to be arrested persons charged or convicted of crime in other counties or states who may be found in the city limits and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process; to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of said city; and shall have exclusive original jurisdiction thereof to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws and rules and ordinances made by the aldermen, and his endorsement of the names of witnesses upon a

Jurisdiction
of mayor.

summons or warrant shall be authority for the officer to execute the same; and he may issue process without complaint when he is satisfied there has been a violation of the law: *Provided, nevertheless*, that he shall not have jurisdiction of any cause of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act. He may have a clerk to be elected by the board of aldermen who shall keep the minutes of the court, and who shall collect all fines and penalties imposed.

Procedure in
mayor's court.

SEC. 22. *Procedure in mayor's court.* All proceedings in the mayor's court shall be the same as are now or shall hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Cumberland County. Whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for said court to sentence such persons to imprisonment in the county jail or city prison for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.

Precepts
issued.

SEC. 23. *Precepts issued.* The mayor shall issue his precepts to the chief of police of the city and to such other officers to whom a justice of the peace may issue his precepts, who may execute the same anywhere in Cumberland County.

Court of
record.

SEC. 24. *Court of record.* That the mayor shall keep a faithful minute of the precepts issued by him and all his judicial proceedings. Judgments rendered by him shall have the force and virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Cumberland County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Cumberland.

Power to
suppress riots.

SEC. 25. *Power to suppress riots.* The mayor shall keep his office in some convenient part of the city as designated by the board of aldermen. In the event of any unusual rout, riot, affray, or disturbance of the peace the mayor shall be and is hereby fully authorized and empowered to quiet the same, and in all respects to preserve the public peace and safety of the inhabitants of the city, and to that end may appoint and call to his aid as many of the inhabitants of the city as he shall deem necessary.

Mayor to
preside; when
votes.

SEC. 26. *Presides; when votes.* The mayor shall preside at all meetings of the board of aldermen except as otherwise herein provided, and when there is an equal division upon any question, he shall determine the matter by his vote, and he shall vote in no other case. The mayor shall be a member ex officio of every committee of the board of aldermen.

SEC. 27. *City treasurer; his duties.* The board of aldermen shall elect a city treasurer to serve at the pleasure of the board. Such treasurer shall give such bond for the faithful performance of the duties of his office as will, in the judgment of the board, at all times fully protect the interests of the city. He shall make annually a full and complete transcript of receipts and disbursements on account of the city and cause the same to be posted at the door of the city hall at the end of each fiscal year, and printed in some newspaper published in the city. It shall be his duty to call on all persons having any money or security belonging to the city which ought to be paid or delivered into the treasury, and safely keep the same for the use of the city. He shall disburse the city's funds only according to such orders as may be drawn on him in the manner herein specified except in payment of principal and interest of bonds and notes of the city. He shall keep in a book or books a fair and correct account of all money received and disbursed by him, and shall submit such accounts, together with a statement of all securities handled by him, to the board of aldermen or board of audit and finance whenever required to do so. He shall carefully disburse when and as ordered to do, or otherwise keep and care for all moneys and securities coming into his hands, and, upon the expiration of his term of office, shall deliver to his successor or to the board of aldermen all moneys, securities and other property entrusted to him, and which has not been disbursed as herein provided for, and shall faithfully perform and discharge all duties lawfully imposed upon him as city treasurer.

City
treasurer;
his duties.

SEC. 28. *What orders paid.* All orders drawn upon the city treasurer shall be issued by the city clerk from the regular script book, specifying the name of the payee, on what account paid, the amount, date and number and shall be signed by the clerk and countersigned by the mayor. An accurate stub thereof shall be kept, and in his accounts the treasurer shall specify the purposes to which each order is applied and the account to which the same is charged.

What orders
paid.

SEC. 29. *City clerk; his duties.* The board of aldermen shall elect a city clerk to serve at the pleasure of the board. Such clerk shall give bond as required by the board for the faithful discharge of his duties. He shall issue all orders for the payment of money as provided in the last preceding section. He shall keep the seal of the corporation; shall keep correct minutes of the proceedings of the board of aldermen, and carefully preserve and keep all books, papers, and other articles committed to his care; he shall perform generally such duties as may be prescribed by the board of aldermen; and upon the termination of

City clerk;
his duties.

his term of office he shall deliver to his successor or the board of aldermen all books, records, papers and other articles or effects whatsoever coming into his custody in his official capacity.

Qualification
of officers.

SEC. 30. *General qualifications of officers.* No person shall be mayor, commissioner, chief of police, alderman, treasurer, clerk, or other officer of the city of Fayetteville unless he shall be a qualified voter therein.

Failure to
qualify; office
declared vacant.

SEC. 31. *Failure to qualify; office declared vacant.* If any person elected or appointed commissioner, mayor, alderman or other officer of the city of Fayetteville, shall, after being duly notified neglect or refuse to qualify within sixty days after his election, unless good cause be shown therefor, such office shall be declared vacant and filled by the board of aldermen as herein provided.

Record of all
bonds to be kept.

SEC. 32. *Record of all bonds to be kept.* The city clerk shall provide a record in which shall be entered and kept the names of all purchasers of bonds sold and of all bonds of the city outstanding with the amount and dates of maturities thereof and when the interest upon the same is payable and where, and all bonds and coupons when redeemed shall be canceled in the presence of the mayor and board of aldermen and a proper record of such cancellation entered.

ARTICLE 7

PUBLIC WORKS COMMISSION

Public works
commission.

Commission
created and
continued.

SECTION 1. *Commission created and continued.* A commission of the city of Fayetteville to be known as the "public works commission" as heretofore created, established and now existing, and consisting as it now does of three members, is hereby continued, and the term of office of one member of which shall expire in June each year as heretofore, and the board of aldermen shall, at its regular meeting in June of each year as heretofore, elect a member of said commission for a term of three years, and any vacancy occurring upon said commission shall be filled for the unexpired term by the board of aldermen at any regular or special meeting, but it shall require a two-thirds vote of the members of the board of aldermen to elect a member of said commission.

Qualifications
for
commissioners.

SEC. 2. *Qualifications for commissioners.* The members of said commission shall be resident freeholders and taxpayers of the city of Fayetteville, and shall be men of recognized ability and good business judgment and standing who, in the opinion of the said board of aldermen, can and will perform their official duties to the best interest of said city and its inhabitants.

Duties of
commission.

SEC. 3. *Duties of commission.* Said commission shall have full charge and control and the general supervision and management of the electric light plant, the waterworks and sewerage,

and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same.

SEC. 4. *Organization.* The members of said commission shall meet as soon after their election as possible, and shall elect out of their number of chairman, a secretary, and treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said commission from time to time, not inconsistent with the provisions of this act.

Organization.

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

Records.

SEC. 6. *Receipts and disbursements.* That all funds handled by said commission shall be paid over to the treasurer thereof, and all disbursements by said commission shall only be made by order upon the treasurer, signed by the secretary and countersigned by the chairman thereof, and all orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

Receipts and disbursements.

SEC. 7. *Supervision of electric light, water and sewerage plants.* Said commission shall have full charge and control, and shall supervise the construction, repairing, alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant, with full power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement; and all other public utilities, buildings and property now owned or which may hereafter be owned by the city of Fayetteville, and the proceeds thereof and the rentals therefrom shall be under the supervision and control of the board of aldermen of said city. Said board of aldermen shall make a monthly settlement with said public works commission for all lights and water used by the city during the preceding month, and said commission shall at all times have credit with said board of aldermen, for the purpose of properly conducting its business, equal to one month's charges for the light, water and sewerage of the city.

Supervision electric lights, etc.

SEC. 8. *Contracts by commission.* That no contract shall be entered into by said commission without the concurrence of at least two members thereof, and all contracts made by said com-

Contracts by commission.

mission, required to be in writing, shall be in the name of the city of Fayetteville, signed by the chairman and attested by the secretary of the said commission and sealed with the corporate seal of the said city. The title to all property under the management and control of said commissioners shall be and remain in the city of Fayetteville, and the title to all property purchased or acquired by said commission shall vest in said city: *Provided*, that nothing in this act shall be construed as conferring upon said commission any power or authority to convey title to any public utilities, buildings, or other real property under their management and control.

Proceeds of
bonds and
special funds.

SEC. 9. *Proceeds of bonds and special funds.* That the proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in section seven of article seven of this act, shall be paid over to the Treasurer of said commission, who shall disburse the same as provided in this act.

Powers of
commission.

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

Power to fix
rates and rents.

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

Monthly
reports.

SEC. 12. *Monthly reports.* Said commission shall render a full report to the board of aldermen of the city of Fayetteville, not later than the second Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursement to said date, as shown by said report. Said report shall show among other things: (1) The several items of public property under the control and charge of said commission, the value of same, and the floating and bonded in-

debtedness outstanding against the same; (2) the amount received from each item of public property, and the amount disbursed on account of same, separately; (3) all amounts received and disbursed on account of construction, repairing, alteration or enlargement of said property; (4) the physical condition of the property; (5) the amount of insurance carried upon said property; (6) the names of all delinquents to said city, three months or more in arrears, and the amount of such delinquency; (7) all other facts, items and information pertaining to the condition and management of said property. Said commission shall also furnish to the board of aldermen of said city such additional and special reports as the said board may request from time to time.

Contents of report.

SEC. 13. *Annual report.* That at the end of each fiscal year said commission shall publish a complete report for the year, which shall include all financial operations of said commission during the year, and all items, facts and information required by the provisions of this act to be reported monthly to the said board of aldermen.

Annual report.

SEC. 14. *Bond of chairman, secretary and treasurer.* That the chairman and secretary of said commission shall each give bond to the city of Fayetteville in the sum of one thousand dollars each, and the treasurer of said commission shall give bond in double the amount of any funds in his hands. All bonds required by this section shall be filed with the chairman of the board of audit and finance of said city.

Bond of chairman, secretary and treasurer.

SEC. 15. *Salary of commission.* The members of said commission shall receive a salary not to exceed the sum of \$. per annum, which shall be divided among them in proportion to the respective services performed by each as said commission may decide to be mutually fair and just.

Salary of commission.

SEC. 16. *Books and accounts to be audited.* That at the end of each fiscal year the books, accounts and records of said commission shall be audited by the board of audit and finance of said city, which shall report upon the condition of the same at the next regular or special meeting of the board of aldermen of said city. The board of audit and finance shall receive such compensation for their services in auditing the same as the board of aldermen of said city may allow. The chairman of said board of audit and finance shall see that all bonds required by the provisions of this act are promptly made and kept in force, and shall safely keep the same.

Books and accounts to be audited.

SEC. 17. *Neglect of duty a misdemeanor.* That if any member of said commission shall willfully neglect or fail to perform any duty required by the provisions of this act, or required

Neglect of duty a misdemeanor.

by any rule or regulation made by said commission in pursuance of the authority contained in said act, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court, and shall be removed from office by the board of aldermen of said city.

ARTICLE 8

ELECTIONS

Elections.

Time.

SECTION 1. *When held.* An election shall be held in the city of Fayetteville on Tuesday after the first Monday in May, 1925, and biennially thereafter.

Polling places.

SEC. 2. *Polling places.* The board of aldermen shall designate a polling place, or as many polling places as it shall deem advisable, at which the municipal elections shall be held, and shall give notice by one or more publications in a newspaper published in the city of the polling place or places so designated, and of any change that may be made therein from time to time.

Registrars appointed.

SEC. 3. *Registrars appointed.* The board of aldermen shall select, at least thirty days before any election, one person for each polling place, or voting precinct, if more than one such be fixed and designated, who shall act as registrar of voters for the city at large or the polling place or precinct for which he is appointed, as the case may be, and shall make publication of the name or names of the person or persons so selected, as well as the time of the election, by one or more publications, in some newspaper published in the city, and shall cause notice to be served by its clerk upon the person or persons selected as registrar or registrars.

Registration.

SEC. 4. *Registration of voters.* The board of aldermen may, in its discretion, order a new registration of voters, but unless a new registration be ordered the elections shall be held under the existing registration subject to such revision as is herein contained; and in the event a new registration is ordered, thirty days notice thereof shall be given by advertisement in some newspaper published in the city.

Books revised.

SEC. 5. *Registration books revised.* Each registrar shall be furnished with a registration book which he shall revise so that it will show an accurate list of the electors previously registered in the city at large or the precinct in which he is appointed, as the case may be, without requiring such electors to be registered anew, unless the board of aldermen shall order a new registration as above provided for; if a new precinct or polling place shall be designated as herein provided for, the regis-

trar appointed in it shall take from the old registration book the names of all qualified electors residing in the precinct in which he is appointed and enroll them upon a registration book for such precinct.

SEC. 6. *Time of registration.* The registrar, and if there be more than one, each registrar, between the hour of nine o'clock a.m and five o'clock p.m. on each day (Sundays excepted) for twenty days preceding the day for closing the registration book or books, as hereinafter provided, shall keep open the registration book or books for the registration of any new electors residing in the city at large or the precinct, as the case may be, and entitled to register, or whose names do not appear upon the revised list. Such book or books shall be kept open at the polling place or places until nine o'clock p.m. of each Saturday during such registration period, and they shall close for registration on the second Saturday before each election.

Time of
registration.

SEC. 7. *Registration on election day.* No registration shall be allowed on the day of election except to persons who have become twenty-one years of age since the registration book or books were closed.

Registration
on election day.

SEC. 8. *Challenge day.* On the Saturday before the election the registration book or books shall be kept open at the polling place or polling places for inspection, when the right to vote of any person whose name appears upon said book or books may be challenged; and when any person's right to vote is challenged the registrar shall so mark his name and appoint a time and place not later than Monday preceding the election when he, together with the judges of election, shall hear and decide the objection, after personal notice given to the person whose right has been challenged, either by notifying such person in person, or leaving a copy of such notice at the last known address. If any registered person shall be found not qualified to vote, his name shall be erased; otherwise such person shall be permitted to vote.

Challenge day.

SEC. 9. *Judges of election.* The board of aldermen shall appoint, at least thirty days before any election, at least two judges of election for the city at large or for each precinct, as the case may be, who shall be of different political parties where possible, and who shall be men of good character, who shall assist in conducting the election fairly and impartially according to the Constitution and laws of the State, and the said judges and registrar or registrars shall take the usual oath before entering upon the discharge of their duties as such.

Judges of
election.

SEC. 10. *Vacancies on election day.* If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election, and if any vacancy

Vacancies on
election day.

shall occur on that day in the office of judge the same shall be filled by the registrar; vacancies occurring at any other time shall be filled by the board of aldermen.

Superintend
elections.

SEC. 11. *Superintend elections.* The registrar and judges of election shall open the polls and superintend the same until the close of election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures and deposit them with the board of aldermen.

When polls
open and close.

SEC. 12. *When polls open and close.* The polls shall be open on the day of election from eight o'clock a.m. till sunset, and no longer; and each person whose name may be registered shall be entitled to vote.

Who may vote.

SEC. 13. *Who may vote.* All qualified electors who shall have resided for four months immediately preceding an election in the city of Fayetteville, or any voting precinct thereof, and not otherwise, shall have the right to vote in said election.

Ballots and
ballot boxes.

SEC. 14. *Ballots and ballot boxes.* All ballots shall be printed or written upon white paper and shall be of the same size, without device, mutilation or ornamentation, the size of ballots to be fixed by board of aldermen at the same meeting the registrar is appointed. The board of aldermen shall provide for each election precinct necessary ballot boxes in which to deposit the ballots; each of such boxes shall have an opening through the lid to admit a single folded ballot, and no more. The ballot boxes shall be kept by the judges of election for the use of the election precincts respectively; and the registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and they shall be sealed or securely fastened and not be opened until the polls are closed.

Ballots
counted.

SEC. 15. *Ballots counted.* When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ballot; and if there shall be two or more ballots rolled up together, or any ballot shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ballots shall not be numbered in taking the ballots, but shall be void; and the counting of votes shall be continued without adjournment until completed, and the result thereof declared.

Registration
books, where
deposited.

SEC. 16. *Registration books, where deposited.* Immediately after any election the registrars shall deposit the registration books for the respective precincts with the board of aldermen.

SEC. 17. *Board of canvassers.* The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct; and the members of the board of canvassers who shall have been so appointed shall attend the meeting of the board of canvassers, and shall constitute the board of town canvassers for such election, and a majority of them shall constitute a quorum; but if only one polling place be designated by the board of aldermen and the election be there held for the city at large, then the registrar and judges of election of such precinct shall constitute the board of town canvassers for such election.

Board of
canvassers.

SEC. 18. *Meeting of board of canvassers.* The board of canvassers shall meet on the next day after the election at twelve o'clock m., at the mayor's office, and they shall each take oath prescribed in the general law governing elections for members of the board of county canvassers.

Meeting board of
canvassers.

SEC. 19. *Board determines result; tie vote.* The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass and judicially determine the result, and shall make abstracts, stating the number of legal ballots cast for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the result of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie between two opposing candidates, the result shall be determined by lot. In all other respects all elections held in the city of Fayetteville shall be conducted as prescribed for the election of members of the General Assembly.

Board determines
result.

SEC. 20. *Special elections.* In the event that it shall become necessary or desirable to hold any special election in the city of Fayetteville for any purpose, the same shall be held in the manner herein provided, and after notice shall have been given for at least thirty days by advertisement in some newspaper published in the city of Fayetteville.

Special
elections.

SEC. 21. *Not to affect bond elections.* Nothing in this article is to be regarded as affecting in any way the provisions of the Municipal Finance Act for elections for bond issues and registrations therefor, or the giving notice of such registrations and elections or the conduct thereof or the canvassing of the result, or any other matter pertaining thereto.

Not to affect
bond elections.

ARTICLE 9

TAXATION

Taxation.

Authority to
levy taxes.

SECTION 1. *Authority to levy taxes.* In order to raise sufficient funds to pay the current expenses of the city the board of aldermen may each year levy and collect upon all the real and personal property within the city an annual ad valorem tax not in excess of one dollar upon each one hundred dollars in valuation of such property.

Exclusive of
bond taxes.

SEC. 2. *Exclusive of bond taxes.* The rate fixed for taxation in section one of this article shall be exclusive of all rates levied for the payment of principal and interest upon bonds or notes of the city heretofore or hereafter issued, as to which taxes for bonds and notes there shall be no limit as to rate and for the payment of which the board of aldermen shall have authority to levy and collect upon all of the real and personal property within the city an unlimited tax as is set out in section eight of article six of this act.

Special
license taxes.

SEC. 3. *Special license taxes.* The board of aldermen may annually levy a tax on all trades, professions, franchises, occupations, business or amusement, by whatever name called, which is carried on or enjoyed, in whole or in part, within the city, unless otherwise prohibited by law; and may levy a tax on all shows and exhibitions for reward, and on all dogs, and on swine, horses or cattle running at large, and upon all other acts and things similar to those mentioned in this section whether herein specifically mentioned or not.

Application
for license

SEC. 4. *Application must be made for license.* Before any person, firm or corporation shall engage in any business, carry on any trade, profession, occupation or amusement, or exercise any franchise, or do any other act upon which a tax or special license tax is or may hereafter be levied by the board of aldermen, he, they or it shall apply to the board of aldermen for a license to carry on the same, and said board may grant such license or may, for good cause connected with the character of the applicant, or for any other good cause, in the exercise of its discretion, deny a license to such applicant, and the tax collector shall issue no license until the application therefor has been favorably acted upon by said board and the prescribed license tax paid in full. No person, firm or corporation shall do any kind of plumbing or electrical wiring in buildings or install any power or heat plant in any building without first having obtained a license as herein provided. The board of aldermen may require any applicant for license to be examined and give bond in such sum, and upon such conditions, as the board may determine, and with such sureties as it may approve; and, for incom-

petency on the part of any licensee, or for refusal to comply with any ordinance or regulation adopted by the board, or for any other good cause, the board of aldermen may revoke any license hereunder. No license shall be issued by the board for more than one year, and it shall not be transferable or assignable except by permission of the board.

City list taker.

SEC. 5. *City list taker.* The board of aldermen shall at the regular meeting in April of each year appoint a city list taker and fix his compensation. Such list taker shall advertise by posting notices at three or more public places in the city, and, if deemed advisable, by publication of such notice in some newspaper in the city, notifying all taxpayers to return to him real and personal property owned by the taxpayer on the first day of May of each year, and the said notices shall specify the same time or times and the same place or places for taking such tax lists as shall be specified and designated by the township list taker or assessor of Cross Creek Township for the listing of property for county taxation. The city tax lister shall attend at such times and places, and obtain from each taxpayer of the city a full, complete and detailed statement of each and every piece and kind of property, real, personal and mixed, which the taxpayer shall own on the first day of May, or which may be under the control of such taxpayer as agent, guardian, administrator or otherwise, and which should be listed for taxation. Said list taker is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable property; and the city tax lists shall be taken with the same detail, in the same manner, and under the same regulations as governs the listing of property for county taxation. But the valuations of property finally fixed and determined by the county authorities shall be the valuation used by the city list taker in making up the tax list herein provided for. The said list taker shall subscribe as such to the same oath or oaths and be subject to such other regulations by law as are now or may hereafter be prescribed for township list takers or assessors, except that the equalization and valuation fixed by the county authorities shall be binding upon the city authorities.

Duty of owner
to list.

SEC. 6. *Duty of owner to list.* During the month of May of each year every person, firm or corporation owning any property whatsoever in the city, which the law of North Carolina now requires or hereafter shall require to be returned for taxation, shall, during the month of May of each year, list the same for taxation with the city list taker, and in the same manner, and under the same pains and penalties, as are now or may hereafter be prescribed by law for the returning and listing of property for taxation by the county.

Tax list made.

SEC. 7. *Tax list made.* The county tax list taker or assessor of Cross Creek Township, or any other township any part of which may be included in the corporate limits of the city, shall furnish to the city list taker such information as he can as to all property listed before such township list taker which may be taxable by the city under the provisions hereof, and from the list taken by him and all other information that he can acquire relative to the subjects of taxation within the city, the city list taker shall make a full and complete list showing the name of every taxpayer in the city, the items of property upon which payment of tax is required, and the values thereof, and the names, ages and color of each taxpayer who is liable, unless the taxpayer be a corporation, firm or copartnership, in which event that fact shall be stated and the address given; and in which list there shall be charged to every taxpayer the taxes due upon the property shown in said list, calculated at the rate of taxation prescribed by the board of aldermen for the current year, and also showing the aggregate amount of property according to the valuations taken as herein prescribed, and the full aggregate amount of taxes levied and due for the current year.

Duty to list unlisted property.

SEC. 8. *Duty to list unlisted property.* The city tax collector shall make annually a diligent and thorough investigation to discover all subjects of taxation within the city which have not been listed with him as herein provided, and he shall ascertain the value thereof by reference to the county records or otherwise, and all such property shall be by him listed in the name of the owner or person in possession thereof, or having the same in control, and the same shall be entered in the tax list provided for in the preceding section and a notation made on said list that said property was not listed as herein required, and the board of aldermen shall have the right to fix the value of such property for taxation and in its discretion to impose upon the taxpayer such pains and penalties for failure to list as are now or may hereafter be prescribed with reference to failure to list property for taxation by the county.

List adopted by board.

SEC. 9. *Tax list adopted by board.* The tax collector shall submit such lists so made by him to said board of aldermen at their next meeting after he shall have so completed the same, and said list, when approved by said board, whether as amended by it or not, shall constitute the regular tax list of said city for that year, subject to any and all amendments, corrections, modifications, additions and subtractions which said board shall from time to time make. It shall be the duty of said board to see that all subjects of taxation within said city are duly entered from time to time upon said list at their proper places, and that the taxes which should be paid by or upon the same

are duly enforced and collected, and to take all proper measures necessary for the due accomplishment of that result.

SEC. 10. *Tax lists delivered to tax collector.* The board of aldermen shall preserve the list mentioned in the preceding sections among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the tax collector in collecting the taxes of the city; said copy of said copy amended, modified or changed as hereinbefore provided shall be delivered to the tax collector on or before the first Monday in September in each year, and he shall receipt for the same. Said board shall endorse on said copy an order to said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

Tax lists
delivered to
tax collector.

SEC. 11. *Tax collector.* The tax collector of the city, upon his receipt of said copy of such parts of said tax list, shall proceed immediately with the collection of taxes in such copy mentioned, and of all such as may be from time to time added thereto by said board.

Tax collector.

SEC. 12. *Taxes due September first; discount allowed.* Taxes hereby authorized to be levied shall be due and payable on the first day of September of each year and a discount may be allowed by the board of aldermen for the payment of all taxes during said month of September of two per cent; during the month of October of one per cent; during the month of November of one-half of one per cent.

Taxes due;
discount.

SEC. 13. *City taxes collected same manner as State taxes.* All taxes of said city shall be listed, levied, assessed and collected, except as in this charter otherwise provided, in the same manner and under the same rules and regulations, and subject to the same penalties as are provided by law, or shall hereafter be provided by law for the listing, levying, assessing and collecting State and county taxes in this State.

Collection
city taxes.

SEC. 14. *Lien of the city taxes attaches.* The lien of city taxes levied for all purposes in each year shall attach to all real property subject to such taxes on the first day of June annually, and shall be paramount to all other liens, and continue until such taxes with any penalty which shall accrue thereon, shall be fully paid.

Lien of city
taxes attaches.

SEC. 15. *Personal property seized and sold; executors, administrators and trustees.* All personal property in said city subject to taxation shall be liable to be seized and sold for taxes by said tax collector, and the personal property of any deceased person

Personal
property
seized and
sold.

therein shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and any property, whether real or personal, in said city, conveyed or assigned after the first day of June in any year to any trustee or trustees, assignee or assignees, for the benefit of creditors, shall be liable in the hands of such trustee or trustees, assignee or assignees, for all taxes levied, laid or assessed upon the same in that year, and may be sold for the payment of such taxes, in the same manner as if such conveyance or assignment had not been made.

Collection
of taxes.

SEC. 16. *How collected.* Whenever any tax levy as herein provided shall become due, and the person, firm or corporation charged thereof shall fail to pay the same, having personal property anywhere within the city of a value as great as the tax charged, the tax collector shall first seize and sell the personal property of such person, firm or corporation, which shall be done after advertisement at the city hall and three other public places in the city for a period of twenty days, and the tax collector is hereby authorized to make such levy and seizure by virtue of the tax list and order of the board of aldermen placed in his hands as provided for herein without other warrant or process whatsoever.

Real estate sold.

SEC. 17. *Real estate sold.* If the person charged has not personal property to be found in said city of a value as great as the tax charged against him and his property, said tax collector shall levy upon the lands of the delinquent in the city, or any part of such land, and after due advertisement, sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said city for at least four weeks immediately preceding such sale, and by posting a notice of such sale at the courthouse door and three other public places in the city at least thirty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made and the day and place of such sale.

Expenses of
advertisement.

SEC. 18. *Expenses of advertisement.* For every piece of real estate or part thereof so advertised, said tax collector shall also collect, in the same manner as such taxes, the sum of fifty cents to defray the expenses of such advertisement.

Real estate
may be divided.

SEC. 19. *Real estate may be divided.* The tax collector may divide such real estate into as many parts as he may deem convenient, employing, if necessary, a surveyor for that purpose, and in such case shall sell as much thereof as shall be required to pay said taxes and all expenses attendant thereon,

together with all penalties; and if such real estate shall not be so divided he shall sell the whole.

SEC. 20. *Sales; where and when made.* All such sales shall be made at the courthouse door of the county of Cumberland, at public auction to the highest bidder for cash, upon any day of the month or week, except Sunday or a legal holiday; and if no person will bid enough to pay such taxes, penalties and expenses, in case such real estate is sold without such division, said tax collector shall bid on behalf of the city the amount of said taxes, penalties and expenses, and if no higher bid shall be made the same shall be struck off to the city; and if no person will bid an amount or amounts, in case said land is sold in parcels, sufficient in the aggregate to pay such taxes, penalties and expenses, such real estate shall be then immediately sold as a whole.

Sales; where and when made.

SEC. 21. *When property sold to city.* If no person will bid enough for the whole to pay said taxes, penalties and expenses, said tax collector shall bid for the whole on behalf of the city the amount of said taxes, penalties and expenses, and no higher bid shall be made, the same shall be struck off to the city.

When property sold to city.

SEC. 22. *City's title.* In all cases where real estate shall be struck off to the city as herein provided, it shall belong to the city in fee simple, unless redeemed in the manner prescribed by law or this charter.

City's title.

SEC. 23. *Report of sales to board.* The tax collector shall immediately thereafter return to the board of aldermen, by filing the same with the clerk, a statement of his proceedings, showing the purchaser or purchasers of such real estate, and the amounts for which each piece or part thereof was sold, which shall be entered by the clerk upon the minute book of said board, and if there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid to the clerk of the city, subject to the demand of the person entitled to the same.

Report of sales to board.

SEC. 24. *Redemption.* The owner of any real estate or interest therein sold as aforesaid, his heirs, executors, administrators or assigns, may redeem the same within one year after the sale, upon the same terms and conditions and subject to the same provisions and in the same manner as are prescribed by law for the redemption of real estate sold for State and county taxes, except that all the duties, functions and powers provided in such law, to be discharged and exercised by a sheriff or tax collector shall be discharged and exercised by the tax collector of the city.

Redemption.

Certificate of sale; assignability thereof; deed.

SEC. 25. *Certificate of sale; assignability thereof; deed.* On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual or the city, as such last mentioned certificates are allowed by law to be assigned or transferred, and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said tax collector or his successor in office, under the direction of the board of aldermen, at any time within one year after the expiration of one year from the date of sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost said board of aldermen, on being fully satisfied thereof, by due proof, shall direct said tax collector to execute such conveyance, and said tax collector shall so execute the same.

Form of tax deed.

SEC. 26. *Form of tax deed.* Any such tax deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for State and county taxes who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions and conclusions as such last mentioned deed, and effective to the same extent as such last mentioned deed, or sale.

Charge in wrong name does not invalidate.

SEC. 27. *Charge in wrong name does not invalidate.* No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of a rightful owner if said real estate be in other respects sufficiently described to insure identification.

Duties of tax collector.

SEC. 28. *Duties of tax collector.* It shall be the duty of the tax collector to collect all taxes levied by the board of aldermen, and he shall be charged with the sum or sums appearing upon the tax list endorsed and turned over to him by the board of aldermen as herein provided, and any sum or sums which may thereafter be added to said list by the board as being due for city taxes. He shall report at frequent intervals to the board of aldermen the progress being made in the collection of taxes and all other matters pertaining thereto, and shall at no time retain in his hands over five hundred dollars (\$500) for a longer time than seven days under penalty of ten per cent per month to be paid to the city upon all sums so retained in excess of the said amount.

Settlement of tax collector.

SEC. 29. *Settlement of tax collector.* The city tax collector shall make a full and complete settlement with the city on or

before the regular meeting of the board of aldermen in June of each year. In such settlement, which shall be made with the board of aldermen, the tax collector shall be credited only with such sums as he has paid over to the city treasurer in due course and for which receipts have been taken and are exhibited to the board, and with such uncollected taxes as the board of aldermen shall declare to be insolvent and uncollectible, and such as may be involved in any suit in which the collection thereof is contested, and he shall be charged with and shall pay over all other sums appearing on the tax list. The time for settlement with the tax collector may not be extended except upon resolution of the board of aldermen duly adopted in regular session. When the accounts of the tax collector have been audited, settled and approved by the board of aldermen, the same shall be recorded in full in the minute book of said board and shall be prima facie evidence of correctness and impeachable only for fraud or specified error.

ARTICLE 10

CITY FINANCES

SECTION 1. All the powers granted to municipalities by virtue of the Municipal Finance Act and amendments thereto may be exercised by the city of Fayetteville in the manner and with the effect therein provided, anything to the contrary in this act notwithstanding.

City
finances.

ARTICLE 11

CONTRACTS REGULATED

SECTION 1. *Contract awarded on public advertisement.* No contract for construction work or for the purchase of apparatus, supplies, or materials, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds one thousand dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisement once in at least one newspaper of general circulation in the city, the publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to such advertisements, and shall reserve to the city the right to reject any or all such proposals. All such proposals shall be opened in public. No bill or contract shall be divided for the purpose of evading any provision of this act.

Contracts
regulated.

Contract
awarded on
public
advertisement.

Certain contracts in writing and secured.

SEC. 2. *Certain contracts in writing and secured.* All contracts made by any department, board, or commission in which the amount involved is two hundred dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until signed by the officer authorized by law to sign such contract, approved by the board of aldermen. Any contract made as aforesaid may be required to be accompanied by a bond with sureties, or by a deposit of money, certified check, or other security for the faithful performance thereof, satisfactory to the board of officials having the matter in charge, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department, or board making the contract, with the approval of the board of aldermen.

REPEALING CLAUSE

Conflicting acts repealed; exception.

All laws and clauses of laws conflicting with this act are hereby repealed; but it is not intended that any act or any provision of any act local or general be repealed by this act except where the same is in direct conflict with the provisions hereof, and this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 29

AN ACT TO AMEND CHAPTER 210 OF THE PRIVATE LAWS OF 1915.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and ten of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "fifty," in line fourteen, section three, and inserting in lieu thereof the words "three hundred," and by striking out the words "twenty-four hundred dollars," in line nine of section seventeen, and inserting in lieu thereof the words "three hundred dollars without the consent and approval of the board of aldermen."

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 30

AN ACT TO AUTHORIZE LEXINGTON HIGH SCHOOL DISTRICT, DAVIDSON COUNTY, TO SECURE SUITABLE SITES FOR SCHOOLHOUSES OR OTHER SCHOOL BUILDINGS AND PLAYGROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of the Lexington high school district, Davidson County, may receive by gift, purchase or otherwise suitable sites for schoolhouses or other school buildings, and for playgrounds. But whenever such board is unable to obtain suitable sites, by gift or purchase, the board shall have power to condemn such lands as may be necessary for such purposes by reporting to the county superintendent of public instruction of Davidson County their inability to secure the land needed. Upon such report the county superintendent of public instruction shall, upon ten days notice to the owner or owners of the land desired for such purposes, apply to the clerk of the Superior Court of Davidson County for the appointment of three appraisers who shall lay off by metes and bounds the land sought to be secured and shall assess the value thereof. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the said clerk within five days of their appointment, which report shall be entered by the clerk upon the records of the court. If the report is confirmed by the clerk, the chairman and secretary of the board shall issue an order on the treasurer of said board in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee simple in the board of trustees of said district.

SEC. 2. Any person aggrieved by the action of the appraisers may appeal to the Superior Court within twenty days from the date of confirmation by the clerk, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect.

SEC. 3. If the land sought to be condemned hereunder, or any part of said land, shall be owned by a nonresident of the State, before the clerk shall appoint appraisers thereof, notice to such nonresident owner shall be given of such proceedings to condemn, by publication for thirty days of a notice setting forth the purposes of the proceedings, such notice to be published in some newspaper published in the district.

Board of trustees authorized purchase sites for schoolhouses, school buildings and playgrounds.

Appointment of appraisers.

Report of proceedings.

Issuance of order.

Appeal.

Notice to nonresident owners.

Published notice.

Rights
include.

SEC. 4. The right of the board of trustees to condemn land as herein provided for shall include the right to condemn a dwelling house, yard, kitchen or garden.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 31

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO HOLD AND OWN PROPERTY FOR A MEMORIAL PARK, AND TO PROVIDE FOR THE CONTROL AND MANAGEMENT OF SAME.

City authorized
accept properties
for memorial
park.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the powers conferred upon the city of Greensboro by its charter and general law said city is authorized and empowered to take, by gift, grant, deed or other conveyance, property, real or personal, within or without said city, to be used for a world war memorial athletic park or parks, and to provide for the proper upkeep, maintenance and control of the same.

“Greensboro
World War
Memorial.”

SEC. 2. That said city is specifically authorized and empowered to accept title to approximately eleven acres or more of land in the northern section of said city, to be known as “Greensboro World War Memorial”; that said lands may be conveyed to the city, and held by it for the public use, upon such terms and conditions as shall be expressed in the conveyance from the donors or grantors, and under the provisions of this act and amendments hereto not inconsistent with the terms of said conveyance. That among the terms, limitations and conditions which may be incorporated in said conveyance to said city, it may provide that real estate so conveyed shall be held and used by said city for a period of not less than ten years after the date of said conveyance, and that in the event the use of the said real estate as such memorial athletic park should be abandoned within said ten-year period, and said real estate be devoted to some other use or purpose, then said title shall revert to the donors or grantors and their heirs, successors or assigns, with right of reentry.

Terms.

“Greensboro
World War
Memorial
Commission.”

SEC. 3. That the said Greensboro world war memorial shall be controlled, managed and directed by a commission of six members, to be known as the “Greensboro World War Memorial Commission.” One of the members of said commission shall be the mayor of the city of Greensboro, who shall be ex officio

chairman of said commission. Until their successors are elected and qualified, the other members shall be Herman Cone, Allen T. Preyer, A. M. Scales, John N. Wilson and Mrs. Harry R. Bush. The terms of Herman Cone and Allen T. Preyer shall expire on January first, nineteen and twenty-six, or as soon as their successors are elected and qualified, while the terms of A. M. Scales, John N. Wilson and Mrs. Harry R. Bush shall expire on January first, nineteen hundred and twenty-seven. The respective successors of the persons, other than the mayor of Greensboro, named in this section as members of said commission, shall be filled for terms of two years from the time above fixed for the respective expirations of their terms of office.

Members.

Election of such successors shall be by the governing board of said city of Greensboro, and said governing board shall also fill any vacancy

Election of successors.

SEC. 4. The said Greensboro world war memorial commission shall have the absolute control, management and direction for said city of Greensboro of said memorial, or any other athletic parks placed under its control by the governing board of said city, and said city and said commission for it shall have the power to receive gifts, donations, or contributions for said memorial; to construct suitable stadia, structures or buildings; to improve the grounds, and generally to manage the property, funds and business of such memorial or parks. It shall have power to bind by its contracts or agreements the income or other funds of the said memorial or parks, but shall not have the power to encumber the real estate owned or held by said city of Greensboro exclusively for park purposes. Said commission shall not have the power to obligate the city of Greensboro for any indebtedness in connection with the operation of such memorial or parks, except to the extent of such appropriations as may be made by the city to said memorial or parks. Said commission shall have power to charge reasonable fees or commissions for the use of said memorial or parks and admission fees for admission to games and events, and the proceeds of same shall be used in the improvement, repairing or upkeep of said memorial or parks and structures thereon. The commission is authorized and directed to allow students of the public schools of the city of Greensboro and other youths and members of the general public to use said park upon such terms as may seem to the commission to be proper.

Powers of commission.

SEC. 5. Any property, real or personal, owned by the city of Greensboro and held by it under the provisions of this act, may at any time after the expiration of ten years from the time of

Conveyance of title after ten years.

its conveyance to the city, be sold, and title conveyed in the following manner, to wit: Upon resolution of said Greensboro world war memorial commission to the effect that in its opinion a sale of any such property is advisable and desirable, which resolution shall be certified to the governing board of said city, the governing board of said city may then, if it approves the sale of said property, adopt a resolution authorizing and directing such sale, and directing the mayor and city clerk to advertise and sell the same. Sale of said property shall be made at public outcry in the same manner and after the same advertisement as required by law for sales of property under deed of trust or mortgage, and may be readvertised as provided by law in case of a five per cent better bid within ten days. When ten days have elapsed and no better bid has been offered for such property, the city council or governing board of said city may confirm such sale and authorize the mayor and city clerk, upon receipt of the purchase money, to execute deed conveying said property in fee simple to the purchaser. Any such conveyance shall have the effect of conveying to the purchaser all the right, title and interest of the city in and to said property, and such property shall be freed of and discharged from the trusts upon which it was theretofore held, and the purchaser shall not be required to see to the application of the purchase money: *Provided*, that where in any conveyance to the city a different provision is made for the sale of the property than the provision made in this section, the provisions contained in such deed shall be observed.

Trust fund.

SEC. 6. All of the moneys derived from the sale of the property held for purposes of the world war memorial park or parks shall be a trust fund, and must be reinvested in such memorial or parks upon the same trusts and conditions as was the property sold, and such funds may not be used for any other purpose. All income derived from such memorial or parks shall be under the control of said commission, and may be used only for the purposes of said commission. No member of said commission shall receive any salary for his services.

No compensation.

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

Conflicting laws repealed.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 32

AN ACT TO AUTHORIZE THE TOWN OF BRYSON CITY TO
ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Bryson City, N. C., is authorized to issue and sell from time to time, at public or private sale, bonds of the said town in an amount not exceeding one hundred thousand dollars, for the purpose of constructing an electric light plant for the said town. The said bonds shall be payable at such time or times, not exceeding thirty years from their date, as the board of aldermen may determine, and shall bear interest at a rate of not exceeding five and one-half per cent per annum payable semiannually.

Bond sale
authorized.
Limiting time
in which same
shall be paid.

Rate of
interest not
exceeding 5 ½
per cent.

SEC. 2. For the purpose of paying interest on the said bonds as it matures and of providing a sinking fund to retire the said bonds at maturity, there shall be levied and collected annually, like other taxes, a special tax sufficient for that purpose.

Special tax
to be levied.

SEC. 3. The powers hereby granted are in addition to all existing powers of the said town, and are not affected by any limitations contained in any other act.

Additional
powers.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 33

AN ACT TO AMEND CHAPTER 35, PRIVATE LAWS, EXTRA
SESSION, 1920, 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, be amended by adding at the end of said section the following:

"That the limits of the town of Hayesville be extended so as to include the following: Beginning on the northeast corner of the G. H. Haigler home tract of land and running with his line to the southeast corner of said tract; thence with the Haigler and Anderson line to the Walter Hall corner on the rock bluff; thence with said Hall's line to Riverside Avenue; thence with

Amendment;
additional
territory
added to town.

said avenue to the beginning, including what is known as the Haigler Annex as part of said town.”

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 34

AN ACT TO AUTHORIZE GASTONIA GRADED SCHOOL DISTRICT, GASTON COUNTY, TO ISSUE BONDS AND TO PROVIDE FOR A TAX LEVY FOR THE PAYMENT THEREOF.

Issuance of bonds.

The General Assembly of North Carolina do enact:

Purpose.

SECTION 1. Subject to a vote of the majority of the qualified voters of Gastonia graded school district, Gaston County, the board of school commissioners of Gastonia graded school district is hereby authorized to issue at one time, or from time to time, not exceeding two hundred thousand dollars (\$200,000) worth of bonds of said district, for the purpose of erecting and equipping a graded school building and the purchase of a site therefor, in ward number two; enlarging and equipping the Loray school building, and improving the playgrounds and athletic field at the high school building and the construction of a stadium thereon, all said schools and properties being within said district, the said bonds to bear interest at the rate of not exceeding six per cent per annum, payable semiannually and to mature in annual installments or series, the first of which shall be made payable not more than three years after the date of said bonds, and the last not more than forty years from said date. The amount of bonds to mature in each year shall be such as will result in a practically constant amount being paid each year for the retirement of bonds, and the payment of interest. If all of the bonds are not issued at the same time the bonds at any one time outstanding shall mature as aforesaid.

Rate of interest.

Election for vote on bonds.

SEC. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of said school district shall vote in favor of the issuance of same at an election to be called by the city council of the city of Gastonia, after a petition requesting said election and signed by a majority of the board of school commissioners of said district has been filed with the said city council. It shall not be necessary to submit to the voters any other details of said bonds than the amount or maximum amount thereof, and the purpose of issuance, and the fact that a tax for the payment of the bonds and interest will be levied. No

other or further notice of the election shall be required than a publication not more than fifty days nor less than twenty days before said election, in a newspaper published in the city of Gastonia, and circulating within the said district, such publication to state the question or questions as herein provided for, as well as the day of election and the place or places at which the polls will be opened. The said city council may order a new registration of voters if a petition requesting such new registration and signed by a majority of the said board of commissioners shall be filed with the said city council. No other or further notice of such new registration shall be required than a publication at least thirty days before the closing of the registration books, in a newspaper published in the city of Gastonia and circulating within said district, such publication to state the days on which the books of registration will be opened, and the place or places at which they will be opened on Saturdays. Except as herein otherwise provided, the provisions of the laws then applicable to the election of municipal officers within the said city of Gastonia shall be applicable to the election and registration hereunder, except that the election shall be canvassed by the said city council.

Publication.

Registration.

SEC. 3. If the said city council shall determine that a majority of the qualified voters of said district shall have voted in favor of the issuance of said bonds, the board of school commissioners shall cause the same to be prepared and executed in such manner as they may determine; said bonds shall be issued in coupon form, and may, in the discretion of the board of school commissioners and upon conditions to be by it provided, be made subject to registration as to principal alone or as to both principal and interest. The said board of commissioners shall sell the said bonds, but no sale of any of the bonds shall be made at less than par and accrued interest. Notice of the sale of said bonds shall be published as required by the municipal finance act for the sale of municipal bonds. The proceeds of the said bonds shall be placed in a separate fund and used only for the purposes for which the bonds were issued.

In favor of bonds.

Sale of bonds.

Notice of sale.

SEC. 4. If the said city council shall determine that a majority of the qualified voters shall have voted in favor of the issuance of said bonds, it shall be the duty of the said city council in each year while any of the bonds shall be outstanding to levy a tax upon all taxable property within said school district, over and above all other taxes authorized or limited by law, sufficient to meet the payment of the principal and interest of said bonds in accordance with their terms; which said tax when collected shall be paid over to the treasurer of the said board of school

Tax on property.

commissioners to be applied solely to the payment of the principal and interest of said bonds.

Vote against
issuance.

SEC. 5. The failure of the voters of said district to authorize the issuance of said bonds at the first election shall not prevent the submission of the question at other elections to be called and held in accordance with this act, but not more than one election shall be held hereunder in any one year.

Additional
powers.

SEC. 6. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session, except any laws expressly referring to this act, but nothing herein contained shall be deemed to prevent said districts from issuing bonds for the same purpose or for any other lawful purpose under the provisions of any general law, or any special law hereafter ratified.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 35

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF ELIZABETH CITY TO MAKE APPROPRIATIONS FOR THE PROMOTION OF THE PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of Elizabeth City be and they are hereby authorized and empowered to appropriate from the general funds of said municipality such sum or sums as in their discretion may be necessary or proper for the advertisement of said municipality and its advantages or for the promotion of any movement which in their discretion will redound to the welfare of said municipality and the general welfare of its citizens.

Authorized
appropriate
sum for
advertisement,
etc.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 36

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

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Kenilworth in Buncombe County shall be and continue—as they have heretofore been—a body politic and corporate, and shall be and remain invested with all property and rights of property, and powers, heretofore given, which now belong to said corporation, and with all other rights, powers and privileges now vested therein, including those given by its charter and the amendments thereto including the general laws of the State of North Carolina relating to said town; and the provisions of this act shall in no manner alter, modify or impair any ordinance, rule or law of said town, nor in any manner change or impair the obligations or liabilities of said town, or any bond, contract or obligation heretofore issued and now in force, nor shall in any manner alter, change or modify or restrict any existing rights, powers and privileges of the said town of Kenilworth, or its mayor and commissioners.

Corporate body
invested with
property
rights.

Act not to alter
or impair the
present
ordinances and
obligations of
said town.

SEC. 2. That the corporate limits of said town of Kenilworth shall be as follows: Beginning at a water birch on the north bank of the Swannanoa River, said tree marking a corner in the boundary of the town of Biltmore, and said tree being about one thousand feet east from Biltmore Avenue and runs thence with the boundary line of the town of Biltmore and with the north bank of the Swannanoa River, south eighty degrees west two hundred feet to a stake; thence with the boundary line of said town and the bank of said river south sixty-six degrees west two hundred and three and eight-tenths feet to a stake; thence with the boundary line of said town north ten degrees thirty minutes west one hundred and eight feet to a stake in a rock cliff; thence with the boundary line of said town north sixty-eight degrees thirty minutes west to the point where said line intersects with the city line of Asheville, said boundary line of the town of Biltmore continued intersects the eastern margin of Biltmore Avenue six hundred and seven feet south from the point where the northern margin of Roebing Circle produced, intersects the eastern margin of said Biltmore Avenue; thence with the Asheville city line in a northern direction about three thousand feet to a point in the northern line of lot number one of block A as shown on the general map of Kenilworth, recorded in the office of the register of deeds for Buncombe County; thence south eighty-six degrees fifty-five minutes east

Corporate
limits town.

about one hundred and seventy feet to a stake marking the northwest corner of lot number four of said map above referred to; thence south two degrees fifty-nine minutes west two hundred and sixty feet to a stake in the north margin of Wyoming Road; thence with the margin of Wyoming Road north eighty-four degrees forty minutes east two hundred and eighty feet to a stake; thence north two degrees fifty-nine minutes east three hundred and fifty feet to a stake; thence north seventy-five degrees nine minutes east two hundred and fifty-eight and three-tenths feet to a stake; thence north fifty-six degrees thirty-four minutes east five hundred and twenty-five feet to a stake; thence north sixty-one degrees thirty-four minutes east seven hundred and seventy feet to a stake in the old Briggs line, said stake being north one degree thirty-four minutes east two hundred and ninety-six feet from an old Hickory corner; thence with the Briggs line, north one degree thirty-four minutes east one hundred and twenty feet to a stake; thence north eighty-eight degrees twenty minutes east five hundred and sixty feet to a stake in the margin of a proposed new road; thence south seventy-seven degrees forty minutes east six hundred feet; thence north sixty-three degrees fifty minutes east three hundred and seventy-five feet to a stake in the northern margin of an old road; thence with said road and crossing a proposed lake as follows: north eighty-five degrees twenty minutes east two hundred and fifty feet; north twenty-eight degrees twenty minutes east five hundred and sixty feet; north sixty-eight degrees twenty minutes east two hundred and thirty feet; north thirty-seven degrees fifty minutes east two hundred and eighty-five feet; north twenty-one degrees forty minutes west two hundred and thirty feet; north eighty-seven degrees thirty-six minutes east one hundred and ninety-five feet to the southwest corner of the Johnson property; thence following the line of Dr. H. H. Briggs' home tract as previously surveyed as follows: south eight degrees forty-six minutes west eighty feet; south five degrees forty-six minutes west three hundred and seventy feet; south twenty-five degrees forty two minutes west two hundred and eighty-one feet; south seventeen degrees twenty-one minutes east two hundred and five feet; south eighty-two degrees nineteen minutes east five hundred and forty feet to an iron pipe; thence following an old Briggs line as follows: south sixteen degrees sixteen minutes east three hundred and eighty-seven feet; south sixty-four degrees fourteen minutes west four hundred and seventy feet to a large white pine; south fourteen degrees west eleven hundred and five feet to a stake in the center of a road on the east bank of Ross Creek; thence with said road to its intersection

with the Swannanoa Road; thence with the northern margin of the Swannanoa road six hundred and eighty-nine feet to a stake; thence south two degrees thirty-six minutes west across said road and the Swannanoa River to the south bank of said river; thence with the south bank of said river to its intersection with the line of the town of Biltmore; thence with the Biltmore line north to the water birch, on the north bank of the river, the point of beginning.

SEC. 3. The governing body of the said town of Kenilworth shall, as heretofore, consist of mayor and three commissioners, who shall hold their term of office for a period of two years, and until their successors are elected and qualified.

Governing body of town composed of mayor and three commissioners.
Term of office two years.

SEC. 4. All elections for municipal offices of the town of Kenilworth shall be held biennially, at the time of general elections for members of the General Assembly, and the said election shall be held pursuant to the election laws now applicable in Buncombe County. The present officers of the said town of Kenilworth shall hold their respective offices until their successors are elected and qualify.

Election municipal officers.

SEC. 5. That the mayor of the town of Kenilworth be and he is hereby constituted a court for crimes and misdemeanors occurring within the corporate limits of said town, and he shall have the same jurisdiction as is given to justices of the peace under the constitution and laws of the State of North Carolina: *Provided, however,* that the said mayor shall have original and exclusive jurisdiction of all violations of ordinances enacted by the commissioners of said town, and he shall have concurrent jurisdiction with justices of the peace in all matters respecting the violation of the State laws; and the said mayor is hereby clothed with full power and authority in relation to the execution of criminal process as is now conferred upon justices of the peace.

Mayor constituted court for crimes.

Proviso: jurisdiction of mayor.

SEC. 6. The mayor and commissioners of the town of Kenilworth shall have full power and authority to construct, keep, maintain and operate all mains, both for sewer and water purposes, and all connections that may be necessary or expedient for the successful and proper use and conduct and maintenance of the sewerage and waterworks system belonging to said town, and shall have the right to make reasonable charges for the use of water, and to pass all rules and regulations for the proper management of the same. They shall also have power to construct sewer lines, sewer pipes, and to charge same against the property abutting thereon, or within the area of benefits arising therefrom, in the same manner, and under the same provisions as the city of Asheville is empowered so to do, and the

Mayor and town commissioners to operate mains.

Charges for use of water.

Power to construct sewer lines.

charter of the city of Asheville, together with the amendments thereto in respect to the building and operation of sewer systems and assessing the costs thereof to the abutting property owners, is hereby made applicable to the town of Kenilworth, and the mayor and commissioners of the said town of Kenilworth are hereby fully authorized and empowered to build and construct sewer systems for said town of Kenilworth under the said provisions.

Mayor and commissioners authorized to employ policemen.

SEC. 7. That the said mayor and board of commissioners of said town are hereby authorized and empowered to employ policemen, and such other officers and agents as they may deem necessary for the proper betterment of the said town.

Mayor vested with powers.

SEC. 8. That the said mayor and board of commissioners, in addition to the powers conferred by this act, shall be vested with all the powers and provisions contained in chapter fifty-six, Consolidated Statutes, entitled "Municipal Corporations."

Concerning road from Haw Creek road into Kenilworth.

SEC. 9. Nothing contained in this act shall be construed so as to prohibit the commissioners of Buncombe County from building a certain road leading from the Haw Creek road into said town of Kenilworth under the provisions of chapter three hundred and thirty-four, Public-Local Laws, one thousand nine hundred and twenty-three, a petition for which has heretofore been made and is now on file in the office of the clerk of said board, notwithstanding that a portion of said road has been included in the corporate limits of said town under the provisions of this act.

Conflicting laws repealed.

SEC. 10. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 37

AN ACT AUTHORIZING THE BOARD OF GRADED SCHOOL TRUSTEES OF ROCKY MOUNT TO ISSUE BONDS OF THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

The General Assembly of North Carolina do enact:

Issuance of bonds authorized.

SECTION 1. That the board of graded school trustees of Rocky Mount shall be and it is hereby authorized and empowered to issue negotiable coupon bonds of the Rocky Mount graded school

district (lying in the counties of Nash and Edgecombe and having boundaries coterminous with those of the city of Rocky Mount) in the aggregate principal amount of one hundred and fifty thousand dollars (\$150,000), for the purpose of erecting and equipping an addition to its east school building, and to erecting and equipping one or more other school buildings; of acquiring an unincumbered title and estate in and to other lands necessary for the enlargement of existing school grounds and as a site or sites for one or more new school buildings, to be erected as aforesaid; and of otherwise enlarging and improving the public school facilities of said school district and city.

Purpose of bonds.

SEC. 2. That said bonds shall mature serially at such times, not exceeding fifty years from the date of issuance, and shall be payable, both principal and interest, at such place or places, as the board of graded school trustees of Rocky Mount shall, by resolution, fix and determine; shall bear interest from date of issue at a rate not greater than six per cent (6%) per annum, payable semiannually; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and the interest coupons attached to said bonds shall bear the lithographed facsimile signatures of said chairman and secretary. Said bonds shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe.

Rate of interest.

Form of bonds.

SEC. 3. That the board of graded school trustees of Rocky Mount may, by resolution, provide for the registration of said bonds in like manner as is provided for the registration of municipal bonds by section two thousand nine hundred and fifty-five of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended and reenacted. In all matters relating to the registration of the bonds herein authorized to be issued, the said board of trustees and the treasurer of the city of Rocky Mount, as ex officio treasurer of said board of trustees, shall be clothed with every power with respect to the registration of bonds conferred upon the governing bodies and the financial officers of cities and towns by said section of the Consolidated Statutes, as amended and reenacted, and shall, except as herein otherwise provided, exercise the same in like manner.

Registration of bonds.

Powers ex officio.

SEC. 4. That the full faith and credit of said school district shall be deemed to be pledged to the punctual payment of the principal and interest of every bond and note issued under this act; and, in order to provide moneys for the payment of the

same, the board of aldermen of the city of Rocky Mount shall, at the time of levying municipal taxes for the fiscal year commencing on the first day of June next succeeding the approval of the provisions of this act with respect to the issuance of bonds and the levying of taxes for the payment thereof at an election to be called and held as hereinafter provided and annually thereafter so long as necessary for the purpose aforesaid, lay and levy an ad valorem tax upon all property in said school district and city upon which an ad valorem tax is or may be levied for municipal purposes: *Provided, however,* that, in levying taxes as aforesaid, the said board of aldermen shall take into consideration the amount of other moneys appropriated and actually available for the above-mentioned purpose. And the powers herein conferred upon the said board of aldermen with respect to the levy of taxes shall not be subject to any limitation prescribed by law as to rate or amount, in so far as the same shall be necessary for the payment of the principal and interest of such bonds and notes, in accordance with the terms thereof and as in this act provided.

SEC. 5. That the provisions of this act with respect to the issuance of bonds and the levy of taxes for the payment of the principal of said bonds and of the interest thereon as hereinbefore set out shall be submitted to the qualified voters of the said school district and city for approval or disapproval at an election to be ordered by the aldermen of the city of Rocky Mount at any time within two years after the ratification of this act. At the time of ordering said election, the said board of aldermen shall likewise order a new registration of the voters of said school district and city, under and in accordance with the provisions of section five thousand nine hundred and forty-seven of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended by chapter one hundred and eleven of the Public Laws of nineteen hundred and twenty-three. Said election shall be held in like manner as regular municipal elections for the selection of mayor and aldermen of the city of Rocky Mount are held; and, except as herein otherwise provided, the laws governing such regular municipal elections in said city shall apply thereto. Notice of said election shall be given by advertisement in some newspaper published or circulating in the city of Rocky Mount, at least once a week for four successive weeks preceding said election, which notice shall state when and where said election is to be held, and that a new registration of the voters of the several wards and voting precincts of said school district and city has been

Ad valorem
tax.

Proviso; other
appropriation
considered.

Submitted
to voters.

Registration
of voters.

Manner
of election.

Notice
of election.

ordered, and shall recite fully or in substance the provisions of the first, second, third, and fourth sections of this act.

SEC. 6. That the caption or other statement of the nature of this act shall be printed on the ballots to be voted in said election, below which shall be printed on two separate lines the words "For school bonds" and "Against school bonds," respectively, with a square inclosed in ruled lines at the left of each of said two lines. At the top of such ballot shall be printed the following words: "Notice to voters: For a vote for the issuance of school bonds pursuant to the provisions of the act of the General Assembly mentioned below make an X mark in the square opposite the words 'For school bonds.' For a negative vote make a similar mark in the square opposite the words 'Against school bonds.'" Every ballot containing an X mark in the square opposite the words "For school bonds" cast in said election shall be counted as a vote for the issuance of bonds and the levy of taxes as provided in this act, and every ballot containing a similar mark in the square opposite the words "Against school bonds" cast in said election shall be counted as a vote against the issuance of bonds and the levy of taxes as aforesaid.

Ballots.

"Notice to voters."

SEC. 7. That in making their returns of the result of said election the registrars and judges of election holding said election in the several wards and voting precincts of said school district and city shall incorporate therein not only the number of votes cast in their respective wards and voting precincts for and against the issuance of bonds and the levy of taxes as aforesaid, but shall likewise incorporate therein the number of electors qualified to vote in said election, as shown by the registration books of their respective wards and voting precincts.

Incorporate number votes.

SEC. 8. That the board of canvassers of the city of Rocky Mount shall, in like manner as is provided by law for the determination of the result of the regular municipal elections for the selection of mayor and aldermen of said city, canvass the votes cast in the several wards and voting precincts of said school district and city in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election. Said board of canvassers shall likewise prepare an abstract summarizing the result of said election, therein tabulating the number of votes cast for and against the issuance of bonds and the levy of taxes as provided in this act, and the number of electors qualified to vote in said election. And the said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount,

Determination result elections.

Abstract.

who shall record the same in the proper book of records and file the original. No right of action or defense based upon the invalidity of said election shall be asserted, nor shall the validity of said election be open to question upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the determination of the result of said election as hereinbefore provided.

For issuance
of bonds.

SEC. 9. That should a majority of the qualified voters of said school district and city vote in said election for the issuance of bonds and the levy of taxes as hereinbefore provided, then, and in that event, the board of graded school trustees of Rocky Mount may, within the limit of the authorized maximum amount thereof, issue said bonds, at such time or times, and negotiate the sale thereof, at not less than par, in such manner, and upon such terms, as said board of trustees shall, by resolution, determine and prescribe.

Money
borrowed.

SEC. 10. That pending the issuance and sale of said bonds the board of graded school trustees of Rocky Mount may, in anticipation of the receipt of the proceeds of such sale and within the limit of the face value of the authorized maximum amount of said bonds, borrow money for the purpose for which said bonds are to be issued. All moneys thus borrowed shall be evidenced by sealed notes or interim bonds of the Rocky Mount graded school district, which shall be payable not later than five years after the ratification of this act, and may be renewed from time to time; all such renewals to be payable within the time limit above set out. Said notes or interim bonds shall bear interest at such rate as the said board of trustees shall, by resolution, fix and determine; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe. All notes or interim bonds issued and negotiated in pursuance hereof shall be payable out of the moneys arising from the sale of bonds to be issued in pursuance of the provisions of the first section of this act, or from taxes levied and collected as hereinbefore provided.

Rate of
notes.

Payment
of notes.

SEC. 11. That all moneys realized from the negotiation and sale of said bonds and other evidences of indebtedness as aforesaid shall be covered into the treasury of the board of graded school trustees of Rocky Mount; and the treasurer of said board shall keep the same separate and apart from all other moneys in his hands. Said moneys shall be expended only for the

Expenditure of
money derived.

purposes hereinbefore set out, and shall be disbursed upon the warrant of said board of trustees, signed by its secretary and countersigned by its chairman.

SEC. 12. That all taxes levied in pursuance of the provisions of this act shall be collected by the tax collector of the city of Rocky Mount, as municipal taxes are collected, and shall be, by the said tax collector, paid over to the treasurer of said city, as ex officio treasurer of the board of graded school trustees of Rocky Mount. The moneys thus collected shall be expended only in the payment of the principal and interest of said bonds and other indebtedness incurred as hereinbefore provided, and shall be disbursed upon the warrant of the said board of trustees as is herein provided for the disbursement of other school funds.

Manner of collection.

SEC. 13. That all bonds and other evidence of indebtedness negotiated and sold by the board of graded school trustees of Rocky Mount and reciting that they are issued in pursuance of this act, shall, in any action or proceeding involving their validity, be conclusively presumed to be fully authorized by this act, and to have been executed, issued, negotiated, sold, and delivered in conformity with its provisions, and with the provisions of all other statutes applicable thereto, and shall be incontestable after their negotiation or sale, unless the action or proceeding in which their validity is contested shall have been begun prior to the sale and delivery thereof.

Other bonds authorized.

SEC. 14. That should a majority of the qualified voters of said school district and city not vote for the issuance of bonds and the levy of taxes pursuant to the provisions of this act in the election to be ordered and held as hereinbefore provided, then, and in that event, the board of aldermen of the city of Rocky Mount may, upon request of the board of graded school trustees of Rocky Mount, thereafter, and as often as shall be deemed advisable, not more than once in any one calendar year, order another election or other elections, as shall be deemed necessary or proper, at which the matter of the issuance of bonds and the levy of taxes pursuant to the provisions of this act shall be again submitted to the qualified voters of said school district and city for approval or disapproval. And should a majority of the qualified voters of said school district and city vote for the issuance of bonds and the levy of taxes as aforesaid in any election thus called and held, such vote of approval shall be of like force and effect as if recorded in the election first called and held as hereinbefore provided. All the provisions of this act relating to

Vote against issuance.

Another election.

elections shall apply to all such elections authorized to be ordered and held hereunder.

Additional
powers.

SEC. 15. That the powers granted by this act are granted in addition to, and not in substitution for, the existing powers of the board of graded school trustees of Rocky Mount, and are not subject to any debt limitation or other limitation or restriction prescribed by any other law.

Other
questions
at elections.

SEC. 16. That nothing contained in this act shall be construed to prohibit the board of aldermen of the city of Rocky Mount from submitting to the qualified voters of said city at any election to be ordered and held hereunder any other matter or question upon which a referendum vote of the qualified electors of said city is, by law, required or authorized to be had under substantially similar conditions, nor from ordering any election herein provided for to be held at the time of holding any regular municipal election for the selection of a mayor and aldermen.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 38

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO ISSUE FUNDING BONDS.

The General Assembly of North Carolina do enact:

Notes
validated.

SECTION 1. All notes or other floating indebtedness issued or incurred before the first day of January, in the year one thousand nine hundred and twenty-five, by the city of New Bern for necessary expenses of said city (including indebtedness incurred in anticipation of the collection of taxes) is hereby validated, notwithstanding any want of power or authority to incur indebtedness for the purposes for which such indebtedness was incurred, and notwithstanding any defect in the procedure for incurring the indebtedness, or any other defect or illegality, including the failure to observe any debt limit prescribed by law, or any other statutory requirement. The city of New Bern is hereby authorized to fund such outstanding indebtedness by issuing bonds in the manner prescribed by the Municipal Finance Act, nineteen hundred and twenty-one, for the issuing of funding bonds.

Issuance of
bonds
authorized.

SEC. 2. The powers granted by this act are granted in addition to and not in substitution for the existing powers of the city of New Bern and are not subject to any limitation or restriction prescribed by any other law, except as herein otherwise provided. It shall not be necessary to submit to a vote of the people the question of issuing said bonds.

Additional powers.

Vote of people not necessary.

SEC. 3. Bonds issued under this act shall be paid by means of taxes to be levied and collected in the manner provided by the Municipal Finance Act, nineteen hundred and twenty-one, for the payment of bonds issued under said act.

Tax.

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

Conflicting laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 39

AN ACT TO AMEND CHAPTER 264 OF THE PRIVATE LAWS OF 1923, REPEALING THE SECTION MAKING THE CITY MANAGER OF THE CITY OF DURHAM A MEMBER OF THE COUNTY AND CITY BOARD OF HEALTH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and sixty-four, Private Laws of one thousand nine hundred and twenty-three, is hereby repealed.

Section repealed.

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

Conflicting laws repealed.

SEC. 3. This act shall become effective immediately upon its ratification.

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 40

AN ACT TO AMEND CHAPTER 165, SECTIONS 2 AND 12, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, IN REGARD TO AMENDING THE CHARTER OF THE TOWN OF MARSHALL, MADISON COUNTY, RELATIVE TO THE BOUNDARIES OF SAID TOWN AND TO REGULATE THE RATE OF TAXATION.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That all of section two of chapter twelve, Private Laws of North Carolina, session one thousand nine hundred and five, be stricken out and the following inserted in lieu thereof: "That the corporate limits of the town of Marshall in said county of Madison shall be as follows: Beginning at the west end of a perpendicular high rock west of the Hensley place that was cut through for the railroad track on the north side of the French Broad River and at the west end of said perpendicular rock; thence a straight line in a northeast direction with right angle to the French Broad River and straight up the mountain to the extreme top of the first ridge above the river to a rock or a stake hereafter to be placed as a marker; thence a northwest course a straight line to the gap in the ridge, an easterly course from the chlorinating reservoir for the water system of the town of Marshall, the said point being in the public road or highway that leads from the Frisby Branch to the W. B. Ramsey place on Hayes' run and the said gap being where the road turns down the hill on the Fortner land and toward the Jim Bryan place, the said gap being near the line between the lands of J. F. Redmond and the Fortner land, and about or near the edge of the Fortner field; thence from said gap or point in a northwest course a straight line to the gap of the ridge at the extreme top of the ridge in said gap of what is known as the Byard Hill, where the public road crosses through said gap leading from Marshall to Walnut Creek. The said gap being on the ridge between where J. J. Redmond now resides and Walnut Creek, and is now known as the Byard Gap; thence from said Byard Gap a straight line and a southwest course to the gap in the ridge between the branch that runs through the farm of C. B. Mashburn and Walnut Creek, the said gap being the point where the old road passed through leading from Marshall to Walnut Creek by the county home and the said gap is known now as the C. B. Mashburn Gap; thence from said point in the said C. B. Mashburn Gap a straight

line in a southwest direction to a point at the branch nearest the State highway which branch in beyond the Roberts Gap from Marshall and near the State highway and is north of the Steve Roberts place and where Steve Roberts now resides and about midway between where Steve Roberts resides and the home of Garfield Davis. The said point being on said branch at the nearest place to the said State highway; thence from the said point on the said branch a straight line and a southwest direction, to the mouth of Sweetwater branch or where it empties into the French Broad River; thence from the mouth of the said Sweetwater branch at right angles to the French Broad River straight across said river to the south bank; thence from the said point on the south bank of the French Broad River a straight line at right angles with the river straight up the mountain or the hollow, as the case may be, fifty poles to a stake or rock or object hereafter to be designated as a marker and corner; thence from said corner a southeast direction up and parallel with the French Broad River barring the bends and curves of the said river to the extreme top of a knob on the south side of the French Broad River opposite the point designated herein as the beginning, being the high perpendicular rock on the north side of the railroad; thence from the top of the said knob to the beginning at said rock hereinbefore described."

Continuation
of amendment.

SEC. 2. That the board of aldermen of the town of Marshall shall cause the boundaries of the said town as herein above specified to be surveyed and marked as early as practicable.

Board of
aldermen.

SEC. 3. That as soon as practicable the board of aldermen of the said town of Marshall shall cause the lighting system and the gravity water system to be extended so as to accommodate persons residing within the said corporate limits of said town upon such terms and conditions as may be reasonable and just to all parties concerned.

Extension
lighting
system.

SEC. 4. That section twelve of said chapter one hundred and sixty-five, Private Laws of North Carolina, one thousand nine hundred and five, be amended by striking out the words "fifty cents," in line two counting up, and inserting in lieu thereof the words "one dollar and fifty cents."

Amendment.

SEC. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 41

AN ACT TO AMEND THE CHARTER OF THE TOWN OF
GRANITE FALLS.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section one, chapter fifty-eight, Private Laws of nineteen hundred and five, section two, chapter three hundred and twenty-three, Private Laws of eighteen hundred and ninety-nine, and section one, chapter ninety-six, Private Laws of nineteen hundred and seventeen, be and they are herewith amended to read as follows:

"Beginning at a stake in the center of the C. & N. W. Railroad track three-quarter miles northwest of depot, and runs north forty-three degrees east thirteen hundred and twenty feet to a stake in the Billy Branch, then down said branch as it meanders to the Gunpowder Creek, then down said creek as it meanders to the old bridge, south of the Granite Falls Manufacturing Company mill number one, then south sixty-three degrees thirty minutes west fifty-five hundred and twenty feet to a stake in the center of the above mentioned railroad track, thirty-two hundred and eighty feet southeast of depot, then south sixty-three degrees thirty minutes west eleven hundred and ninety-four feet to a stake, then north forty-seven degrees west sixty-four hundred and forty-three feet to a stake, then north forty-three degrees east nineteen hundred and eighty feet to the beginning."

Conflicting
laws repealed.

SEC. 2. All conflicting laws are hereby repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 42

AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS OF
NORTH CAROLINA, SESSION 1909, BEING THE CHARTER
OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Amendment
forbidding sale
of fireworks.

SECTION 1. That chapter thirty-seven (37), Private Laws of North Carolina, session one thousand nine hundred and nine, be and it is amended by adding at the end of section eight of said chapter the following:

(a) "The said commissioners shall not have the power or authority to permit the sale of fireworks in said town under any conditions whatsoever, but shall by suitable ordinances and regulations prohibit the sale and use thereof in said town."

(a) Prohibit sale and use of fireworks in said town.

(b) By adding at the end of section ten the following: "In addition to the rights and remedies now provided by statute for the collection of unpaid assessments for local improvements now due or hereafter to become due, the said board may, within ten years after the confirmation of any assessment for local improvements and after delinquency in the payment of any installment thereof, have the right and privilege of declaring the whole of such unpaid assessment due and payable, and institute proceedings for the enforcement of said assessment in the nature of an action for the foreclosure of a mortgage in the Superior Court of Caldwell County, and the court, upon the trial of the action, shall have the right to adjudge that the property benefited, and upon which the assessment is a lien, shall be sold for the payment of said assessment, interest and costs of suit, and, in addition, shall have the right to adjudge that a reasonable counsel's fee for the use of the attorney of said town shall be included as a part of the costs of the suit."

(b) Unpaid assessments to be collected.

To recover as in foreclosure proceedings.

Attorney's fee to be taxed in bill of cost.

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

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

Conflicting laws repealed.

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 43

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN BY CHANGING THE BOUNDARIES OF THE 3d AND 5th WARDS IN SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. The boundary lines of the third and fifth wards in the city of New Bern shall be changed so as to exclude the territory bounded by New, Metcalf, Johnson and Queen and George streets from the fifth ward and include the said territory in the third ward.

Boundary lines changed.

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

Conflicting laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 44

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO FUND ITS INDEBTEDNESS MATURING PRIOR TO JANUARY 1st, 1927, BY THE ISSUANCE OF SHORT TERM NOTES SO AS TO PREVENT THE CALLING OF REAL ESTATE LOANS MADE OUT OF ITS SINKING FUNDS.

Preamble. Whereas, certain bonds and interest payments on its bonds heretofore issued by the town of Lumberton are maturing in March and April, one thousand nine hundred and twenty-five, and the sinking fund collected for the payment of such bonds and accrued interest has been loaned on real estate in all respects as required and permitted for the investment of such sinking funds, and since it appears impracticable to collect the said real estate loans now and not for the best interest of the town and the parties interested that they be foreclosed; and

Preamble. Whereas, the said loans are well and amply secured and interest thereon is being paid into the treasury of said town as due and called for and the rate of interest on said loans so made on real estate security will equal or exceed the interest on said funding notes: Now, therefore,

The General Assembly of North Carolina do enact:

Town and board authorized execute short term notes.
Payment.
Proviso: maturity of notes.

SECTION 1. That the town of Lumberton and the board of audit and finance of said town be and they are hereby authorized and fully empowered to execute negotiable short term notes of the said town in such form and in such sums maturing at such dates as to the board of audit and the board of commissioners of said town may in their discretion determine, and the said notes shall bear such interest payable in such manner and at such times and places as the said board of commissioners and board of audit and finance may determine: *Provided, however,* that said notes shall not be executed so as to mature at a date not later than one year from the date of said notes, or not to exceed one year from the date of such renewals.

Application of sinking fund.

SEC. 2. That collections from the said sinking fund loans on real estate which would be available to make such payment if the same were collected shall be applied when collected on

the retirement of the said short-term notes as herein provided for.

SEC. 3. That it shall not be necessary to submit the issuance of the said notes to the voters of said town since the indebtedness for which these funding notes are issued has been legally incurred heretofore, and is now the valid and outstanding obligation of the town of Lumberton.

Not necessary submit to voters.

SEC. 5. That the said notes shall not be sold for less than par value, and taxing power of the said town is hereby pledged to the payment thereof.

Sale of notes.

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

Conflicting laws repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 45

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF MONROE TO LAY CEMENT SIDEWALKS AND CEMENT CURB AND GUTTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty-four of the Private Laws of the regular session of one thousand nine hundred and twenty-one be and the same is hereby repealed.

Chapter repealed.

SEC. 2. That the board of aldermen or the governing body of the city of Monroe be and they are hereby authorized, in their discretion, to improve any street or sidewalk of the city of Monroe by laying cement curb and gutter and cement sidewalks on any of said sidewalks or streets within the city of Monroe, and that four-fifths (4-5) of the total cost of laying curb and gutter and cement sidewalks so laid, exclusive of so much of the costs as is incurred at intersections, shall be especially assessed against the lots and parcels of land abutting on that side of the street upon which the improvement is made and directly on the improvement, according to their respective frontages thereon by an equal rate per foot of such frontage.

Governing body authorized improve streets, etc.

Governing body to compute costs.

SEC. 3. That upon the completion of any such improvement, the governing body shall compute and ascertain the total cost thereof. In the total cost shall be included the interest paid or to be paid on notes issued by the municipality to pay the expense of such improvement and other necessary expenses incurred in the doing of said work. The governing body, must,

Deposit.

Assessments
to be lien on
real property.

Refusal of
owner to pay.

City
authorized
borrow money.

thereupon, examine into the cost and expense of said improvement and have made out an assessment roll and ascertain the amount to be assessed against each piece or parcel of land, with a brief description thereof, and cause said assessment roll to be deposited in the office of the clerk of the municipality for inspection by parties interested and also have the clerk mail statements to the owners of said property showing the amount that has been assessed against the property for said improvement. When any such improvement is made and statement is rendered to the owner of such property, and the assessment roll herein provided is filed with the clerk to the board, all assessments shall be from henceforth a lien on the real property against which the same was assessed, superior to all other liens and encumbrances. If the owner of said abutting property against which an assessment has been made refuses to pay said assessment within thirty days after statement is rendered the said assessment may be collected by an action in the name of the city of Monroe against the owner of said property in the nature of a foreclosure proceedings, as provided by law.

SEC. 4. That the city of Monroe be and it is hereby authorized to borrow money from time to time to the extent required to pay the cost of any such improvement or repay any money borrowed under the provisions of this act.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 46

AN ACT TO PROVIDE FOR THE BUILDING OF SIDEWALKS
IN THE VILLAGE OF HAW RIVER IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Commissioners
authorized build
sidewalks, etc.

SECTION 1. That the board of county commissioners of Alamance County shall have power to build sidewalks in the unincorporated village of Haw River, in said county, on the State highway number ten (10), between the boundary line of the Southern Railway Company's right-of-way on the south side of the under pass, which is on the west side of said village, and J. M. Baker's store near Trollingwood on the east side of said village, and shall have power to build sidewalks on said section of said highway on either or both sides thereof, or on a part of either or both sides thereof.

SEC. 2. That except as otherwise provided in this act, such sidewalks shall be built under and pursuant to the provisions of Consolidated Statutes, chapter fifty-six, article nine, sections two thousand seven hundred and three to two thousand seven hundred and twenty-eight, both inclusive, and amendments thereto, which said article is hereby made to apply to Alamance County for the purpose of this act, and the term "governing body" in said article shall, for the purpose of this act, mean the board of county commissioners of Alamance County. Any petition under this act shall request that the total cost of the sidewalk improvement shall be specially assessed upon the lots and parcels of land abutting directly upon the highway or part thereof on which the sidewalk is built, and in case the petition requests the building of a sidewalk upon one side only of said highway, or partly on one side and partly on the other only, the property owners on the side or sides of the highway opposite the side or sides on which the sidewalk is to be built may join in the petition, and in that case the petition shall request that a certain designated part of the total cost of the improvement be specially assessed upon the lots and parcels of land abutting directly on the sidewalk, and that the remainder of the total cost be assessed upon the lots and parcels of land abutting upon the highway on the side opposite the improvement; and the share of the total cost to be specially assessed upon the lots and parcels abutting directly on the improvement shall be assessed according to the extent of the respective frontages of said lots and parcels of land by an equal rate per foot of such frontage, and the share to be specially assessed upon the lots and parcels of land on the opposite side of the highway from the improvement, shall be assessed according to the extent of the respective frontages of said lots and parcels of land upon said highway by an equal rate per foot of such frontage: *Provided*, that in case a petition request that a designated share of the total cost of the improvement be assessed upon the lots and parcels of land abutting upon the highway on the side opposite the improvement, in addition to being signed by a majority in number of the owners who must represent at least a majority of all the lineal feet of frontages of the lots to be assessed, such petition must be signed by owners who represent the lands upon which more than fifty per cent of the total cost of the improvement will be assessed.

SEC. 3. That the board of county commissioners of Alamance County in the original resolution authorizing any improvement under this act shall provide that the assessments under this

Provisions
Consolidated
Statutes.To apply to
Alamance
County.

Petition.

Assessment of
shares.

Proviso.

Payment of
assessments.

act shall be paid in not more than five equal annual installments.

Commissioners
authorized
borrow money.

SEC. 4. That the board of county commissioners of Alamance County may raise the funds for any local improvement provided for in this act under the provisions of said chapter fifty-six, and article nine of Consolidated Statutes, or by obtaining loans under any other provisions of law by virtue of which said board of commissioners may borrow money for necessary expenses.

Conflicting
laws repealed.

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

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 47

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF 1923, BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three entitled "An act to incorporate the city of Greensboro, etc.," and amendments thereto, be further amended as follows:

(a) Council
not have power
create
indebtedness.

(a) By striking out all of section nineteen of said act as amended, and substituting in lieu thereof the following:

"Sec. 19. That except as provided in Municipal Finance Act, or as provided in chapter one hundred and five of the Private Laws, extra session of one thousand nine hundred and twenty, or as otherwise provided in this act, the council shall not have power to create or contract any indebtedness in any amounts which cannot be paid off and discharged out of the current revenues to accrue during the term of office of said council."

(b) Issuance
of bonds
authorized.

(b) That section thirty of said act be amended so that said section shall read as follows:

"Sec. 30. The city council is hereby empowered, by ordinance or resolution, to issue bonds of said Greensboro school district in the name of said district, to provide school buildings and equipment and acquire lands for school purposes and to provide any other permanent improvements for said school district, and shall annually levy upon all taxable property within said school district a tax sufficient to pay the principal

and interest of such bonds as the same shall fall due: *Provided, however,* that no such bonds shall be issued unless a majority of the qualified voters of said school district shall vote in favor thereof at a general election or an election called for that purpose by the city council. Except as herein otherwise provided all the provisions of the general law now in force for the issuance of school building bonds of special charter districts not coterminous with a city or town shall govern all proceedings for the issuance of the bonds herein authorized, including, among other things, the provisions of said general law for new registration of voters, the calling, conduct and canvassing of elections, the details of the bonds and coupons, the manner of advertising and selling the same, and the limitations upon amount and the time in which an attack upon the validity of the proceedings of the bonds may be made."

(c) That section forty-three be amended by adding at the end thereof the following: (c) Proviso.

"*Provided, however,* that all registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted and canvassed as provided by said act."

(d) That section eighty-three be amended so that said section shall read as follows: (d) Purchase land for cemetery purposes.

"Sec. 83. Said city may purchase and hold lands, either within or without said city, for cemetery purposes, or acquire the same by condemnation in the same manner as it may require lands for street purposes, and may acquire and hold not exceeding one thousand of acres for such purposes."

(e) That a new section be inserted in said act immediately following section eighty-six, and before section eighty-seven, as follows: (e) Power regulate subdivision of property.

"Sec. 86. That in addition to the powers conferred by general law or ordinance upon the planning board of said city, said board, subject to the approval of the city council, shall have power to regulate the subdivision of property lying outside of said city, but within one mile of the city limits; to regulate the laying out of streets and parks, the size of lots, building lines, etc., within said city or within one mile of the corporate limits thereof. The city council may, with or without the recommendation of said planning board, adopt ordinances or other regulations in regard to any of the matters above enumerated. Before any new street is opened, or an existing street is extended, or before any new subdivision of property within said city, or within one mile thereof, is laid out, and offered for sale, a map of such proposed subdivision, together with

detailed data, shall be submitted to the said planning board and to the council."

Conflicting
laws repealed.

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

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 48

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF STOKESDALE, IN THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Boundaries of
Stokesdale.

SECTION 1. That the boundaries of the town of Stokesdale, in the county of Guilford, shall be as follows: Beginning at a stone west of the junction of the Mt. Airy and Madison Railroad (this being eighty-four poles from the Stokesdale Commercial Bank) running thence northeast on a degree line eighty poles to a stone; thence southeast on a degree line one hundred and sixty-four poles to a stone; thence southwest one hundred and sixty poles to a stone; thence southwest one hundred and sixty poles to a stone; thence northwest one hundred and sixty-four poles to a stone; thence north eighty poles to the beginning.

Conflicting
laws repealed.

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

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 49

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY TO ISSUE BONDS FOR STREET IMPROVEMENTS AND FOR SEWERAGE, WATERWORKS AND ELECTRIC LIGHT IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Forest City
authorized
issue serial
bonds.

SECTION 1. That the town of Forest City is hereby authorized and empowered through its mayor and board of commissioners to issue serial coupon bonds in an amount not exceeding the sum of two hundred and fifty thousand dollars (\$250,000) par

value for the purpose of grading, paving and otherwise improving the streets and sidewalks of said town, and for the purpose of adding to and extending and improving its sewer system, water system and electric light system, for one, any or all of said purposes.

SEC. 2. The proceeds of said bonds may be used for one, any or all of said purposes; but for no purpose other than those hereinbefore set forth. And the proceeds arising from the sale of said bonds, or from such part of same as the said mayor and board of commissioners may decide to sell shall be turned over to the treasurer of said town to be paid out and disposed of by order of the commissioners of said town.

Use of proceeds of bonds.

SEC. 3. That the said mayor and commissioners shall have the authority to issue and sell all of said bonds in one issue or in more than one issue and may sell the same in blocks or amounts to be fixed by them. Said bonds herein provided for shall be coupon bonds, shall be in denominations of one thousand dollars each and shall bear interest from the date thereof at a rate not to exceed six per cent per annum payable semiannually at such place as may be specified by the commissioners of said town.

Form of bonds.

Rate of interest.

SEC. 4. Said bonds herein provided for shall be serial and shall be made payable and shall fall due as follows: Six thousand dollars per year for the years of one thousand nine hundred and twenty-eight to one thousand nine hundred and thirty-seven both inclusive, ten thousand dollars per year for the years one thousand nine hundred and thirty-eight to one thousand nine hundred and forty-seven both inclusive, ten thousand dollars per year for the years one thousand nine hundred and forty-eight to one thousand nine hundred and fifty-seven both inclusive; the said bonds and their coupons shall be in such form as may be prescribed by the mayor and board of commissioners of said town, and shall be numbered and the said bonds shall be signed by the mayor and attested by the clerk of said town and sealed with the corporate seal thereof, and the said coupons shall bear a lithographed facsimile of the signature of said mayor, and shall be payable at such place as may be designated by said board of commissioners.

Payment of bonds.

Sale of bonds.

SEC. 5. That the said mayor and board of commissioners are hereby authorized to issue and sell all or any part of the bonds herein provided for without submitting the question to the qualified voters of said town and may sell the same at public or private sale, but that the same shall not be sold for less than par, and in the event that the said bonds shall be sold at public sale that the same shall be advertised for one week

Vote of people not necessary.

Advertisement
of sale.

in some newspaper published in Rutherford County, North Carolina, and in one issue of the *Charlotte News* or of the *Charlotte Observer*, daily newspapers published in Charlotte, North Carolina.

Special tax.

SEC. 6. In order to pay said bonds as the same shall mature and in order to pay the interest on said bonds the town of Forest City, through its mayor and board of commissioners, is hereby authorized and it shall be its duty to annually compute and levy at the time of levying other taxes of said town a sufficient special tax upon all taxable property, real and personal and mixed and other objects of taxation which shall be returnable and listed for general taxation in said town with which to promptly and regularly pay said bonds as they shall mature, and to pay off and discharge the interest thereon as the same shall mature. The said taxes shall be collected in the same manner and at the same time that other taxes in said town are collected and shall be paid over by the tax collector to the treasurer of said town.

Town to have
authority.

SEC. 7. That the said town shall have the authority hereinbefore specified, notwithstanding that the said bonds when so issued may increase the indebtedness of the said town to a sum in excess of that provided by the general law of the State relating to municipalities.

Power of
mayor and
county
commissioners.

SEC. 8. That the said mayor and board of commissioners shall have all the powers and authority necessary for the purpose of issuing and making sale of said bonds herein provided for whether specifically given under the provisions of this act or not. And they may proceed to exercise the authority granted herein in such manner as may seem best to them not in conflict with the provisions of this act.

Conflicting
laws repealed.

SEC. 9. That all laws and clauses of law in conflict with the provisions of this act, as the same may apply to or affect the town of Forest City, North Carolina, are hereby repealed, but the authority which said town has under the Municipal Finance Act of North Carolina and under the general law of the State pertaining to cities and towns shall not be abridged by the provisions of this act.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 50

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN
OF APEX.

The General Assembly of North Carolina do enact:

SECTION 1. The ordinances adopted by the board of commissioners of the town of Apex in the county of Wake on the fifth day of November, one thousand nine hundred and twenty-four, authorizing the issuance of ninety thousand dollars bonds of said town for the purpose of constructing, installing and operating a waterworks system in said town, and forty-five thousand dollars of bonds for the purpose of constructing, installing and operating a sewer system for said town, and the election held on the fifteenth day of December, one thousand nine hundred and twenty-four, in said town on the question of issuing said bonds and all other acts and proceedings heretofore done or taken by the said town relating to the issuance of the said bonds, are hereby ratified and validated; and the said town is hereby authorized to issue the said bonds pursuant to the said ordinances and pursuant to the Municipal Finance Act, one thousand nine hundred and twenty-one, and amendments thereto: *Provided, however,* that no part of the proceeds of the sale of any of said bonds shall be used to pay current expenses or operating expenses of the said town.

Issuance of
bonds
authorized.

Purpose
of bonds.

Proviso: no
proceeds to be
used to pay
current expenses.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 51

AN ACT TO AMEND CHAPTER 368 OF THE PRIVATE LAWS
OF 1893, AND ALL ACTS AMENDATORY THERETO, SO
AS TO ENLARGE THE BOUNDARIES OF THE TOWN OF
ELKIN.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and sixty-eight of the Private Laws of one thousand eight hundred and ninety-three, and all acts amendatory thereto, be and the same is hereby amended by striking out all of said section after the word "follows," in line two of said section, and by inserting in lieu thereof the following: "Beginning at a point on the Yadkin River in Surry and Wilkes counties line and

Amendment.

running north five thousand two hundred and eighty feet to a point on east side of Trapp Hill road; thence north forty-four degrees east eight thousand nine hundred and twenty feet to a point on east side of State road, S. P. Collins' corner; thence north ninety degrees east seventeen hundred and sixty feet to Duchman's Creek; thence south twenty-two degrees thirty minutes east with Duchman's Creek and Pegram Woodruff line to the Yadkin River; thence up the river as it meanders to the point of beginning."

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 take effect from and after June first, one thousand nine hundred and twenty-seven.

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 52

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

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, as amended by section two of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen, be and the same are hereby amended so as to read as follows:

"Whenever as many as fifty-five per cent of the owners of land abutting on any street or streets or section thereof within the corporate limits of the city of Hendersonville, or the owners of as much as fifty-five per cent of the land abutting thereon shall petition the board of commissioners of the city of Hendersonville, in writing, to pave such street or streets, or section thereof, it shall be the duty of the commissioners to grant such petition, and to order such paving to be made and to see that it is made, and to charge the entire cost thereof, together with the cost of gutters, curb, grading and all other incidental expenses, to the abutting land owners on each side of said street, proportionately, according to their respective frontage, except the street intersections which shall be paved at the expense of the city; and the amount to be so paid by each abutting landowner shall constitute a lien on his land, and also a personal obligation, until paid, and the city may prescribe at what times and in what installments said amounts shall

be paid: *Provided, however,* that the installments shall not extend over a period of more than ten years, and all installments shall draw interest at six per cent from the time the work is completed and approved. No such petition shall be granted, however, except where proposed paving is to be in continuation of or adjacent to paving, which shall then be already done. The city shall have power and authority to designate the width, character, material, and other specifications of the paving, and shall see that the paving is proceeded with as soon as practicable. The city may issue bonds or scrip to pay for such paving, or for any part thereof, and for all incidental costs and expenses, which bonds or scrip shall be in all respects a valid charge against the city. The city shall keep a separate account of all such bonds or scrip, and of all collections of assessments against the abutting landowners, and use such assessments only for the purpose of paying for such paving and the expenses incident thereto and for the payment of indebtedness contracted for such paving and incidentals. The assessment may be made, and notice thereof given, and the bonds or scrip issued in accordance with the provisions of the Municipal Corporation Act and the Municipal Finance Act and acts amendatory thereof. But nothing in this section shall prevent the city from paving any street, or streets or section or sections thereof, at its own expense altogether, under the general authority of law."

SEC. 2. That the board of commissioners of the city of Hendersonville be and they are hereby authorized and empowered to establish a recorder's court for said city, and to appoint a recorder to hold said court. The recorder shall have all the power and authority which the mayor now has in regard to violations of the city ordinances, and shall have the powers of a committing magistrate as to State offenses committed within the city. The recorder shall hold office for a term of two years and until his successor shall be appointed and qualify (unless sooner removed as herein provided), and his salary shall be fixed by the board of commissioners at not more than seventy-five dollars a month. But the board of commissioners shall have power to remove him from office for proper cause, or to abolish the office altogether, and to reestablish the office. Any member of the board of commissioners, or any employee of the city, or any citizen may be appointed as recorder. The recorder before assuming the duties of his office shall qualify by taking an oath well and faithfully to perform the duties of his office. The board of

commissioners of the city may appoint a substitute recorder, who shall have power and authority to act as recorder when the recorder is absent or for any other reason is unable to act. The authority herein given to establish a recorder's court is optional with the board of commissioners of the city of Hendersonville, and nothing herein contained shall be construed to prevent the board of commissioners of the city of Hendersonville and the board of commissioners of Henderson County from establishing by joint action a recorder's court for the entire county under general law. In all cases coming before the recorder (or before the mayor if a recorder's court is not established), the following costs shall be taxed in each case: Mayor's or recorder's fees: Affidavit, each, thirty-five cents; warrant, each, including affidavit, seventy-five cents; subpoenas, for each witness, fifteen cents; commitment, each, fifty cents; recognizance, each, thirty-five cents; trial and judgment, each, one dollar and fifty cents; affidavit for removal, each, thirty-five cents; order of removal, each, twenty cents; capias and order, each, seventy cents. Officer's fees: Arrest, each, one dollar and fifty cents; serving subpoenas, for each witness, fifty cents; capias, each, seventy cents. For any other services performed by the recorder or mayor or police officer, the costs shall be as now provided by law. All costs collected shall be paid into the general city fund.

SEC. 3. The board of commissioners of the city of Hendersonville shall have full power and authority to definitely establish and locate any or all of the streets, roads or public alleys of said city, or such as may be hereafter laid out; and for that purpose may employ an engineer to locate the same in all, or in any designated section or sections of the city, and to mark the corners of the street intersections by appropriate markers so as to make the location permanent. Whenever such location shall be made and approved by the board of commissioners, the board may cause a map or maps showing the same to be filed with the clerk of the board, and may give notice of the same by publishing a notice once a week for four weeks in a newspaper published in the city of Hendersonville, stating in such notice that the street lines in a certain designated portion or portions of the city have been finally and permanently located, and that map or maps, showing the same is on file with the city clerk for the inspection of the public and of all persons interested, and notifying all persons that claims for damages on account thereof must be filed with the city clerk on or before a day certain, to be named in said notice, which shall be not less than sixty days from

the date of the first publication of notice. Any persons failing to file claim for damage by the time named in said notice shall be forever barred from asserting any claim against the city on account of such location. Any abutting landowner who shall object to the location so made shall, within the time limited, present his or her claim in detail, and if the city and such claimant cannot agree upon a settlement the matter shall be heard and passed upon by three disinterested freeholders of the city of Hendersonville, one to be named by the city, one by the claimant, and the third to be chosen by those two. The said arbitrators shall proceed to hear and determine all matters in controversy as provided in case of condemnation of land by section five of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, and the procedure and appeal, if any, shall be as prescribed in that section: *Provided, however*, that in passing upon and determining the claim of any property owner, the appraisers shall take into consideration the benefits, if any, accruing to the said property, as well as the damage, if any, which he may sustain.

SEC. 4. That the board of commissioners of the city of Hendersonville shall have power and authority to adopt rules and regulations as to the laying out of subdivisions, streets, alleys, etc., within the city limits, whether such streets and alleys are to be taken over by the city or not, to the end that the city may be appropriately, conveniently, and advantageously planned and laid out; and the board may, if they deem proper, appoint a city planning board, to whom they may delegate such authority.

SEC. 5. That section twenty-two of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen is hereby repealed.

SEC. 6. That every claim against the city of Hendersonville, of any kind whatever, must be presented in writing by the claimant to the city within ninety days after such claim accrues, or such claimant shall be barred from prosecuting any suit or action thereon.

SEC. 7. That section five of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all that part of said section which relates to levying a tax for advertising purposes, and by inserting in lieu thereof the following: "The commissioner may levy an annual tax of not less than one-fortieth of one per cent and not more than one-tenth of one per cent on all taxable property in the city,

for the purpose of advertising the city and its immediate environs. The fund so raised shall be spent under the direction and supervision of the board of commissioners of the city, or by a person or persons appointed by the board for that purpose."

SEC. 8. That the powers and authority given by this act shall be in addition to, and not in restriction of, the powers and authority given to cities and towns by general law; and the charter of the city of Hendersonville, as it now exists under former laws, shall be and remain in full force and effect, except as herein necessarily modified or repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 53

AN ACT TO AUTHORIZE THE TOWN OF BREVARD IN TRANSYLVANIA COUNTY TO ISSUE BONDS TO IMPROVE THE STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Issuance of
bonds
authorized.

SECTION 1. That the board of aldermen of the town of Brevard in Transylvania County are hereby fully authorized to issue the negotiable coupon bonds of the said town of Brevard in the maximum amount not to exceed the sum of one hundred thousand dollars, the proceeds of said bonds shall be used exclusively for the purpose of paving, grading, widening and otherwise improving the public streets or sidewalks of said town of Brevard, or for any one or all of said purposes.

Use of
proceeds.

SEC. 2. That the bonds authorized by this act may be issued all at one time or in suitable blocks from time to time as the same are needed to make the improvements authorized by this act.

Form of
issuance.

Form of bonds.

SEC. 3. That the bonds authorized by this act shall be in denominations of one thousand dollars each; and shall be due and payable at such time or times as the board of aldermen may determine: *Provided*, that all of said bonds shall mature not later than thirty years after the date of their issuance.

Proviso:
maturity.

In re serial
bonds.

In the event serial bonds are issued, the annual installments thereof shall be in such amounts and become due in such years as the said board may determine, notwithstanding that the largest annual installment of said bonds may be more than two and one-half times the amount of the smallest prior in-

stallment. The said bonds shall draw interest at not exceeding six per cent per annum and both principal and semiannual interest shall be payable at some bank in New York City to be designated by said board. The said bonds shall be signed by the mayor and by the clerk of said town, and shall have the corporate seal impressed thereon; and the coupons shall bear the facsimile printed or engraved signatures of the said clerk. The said bonds shall be sold at either public or private sale as the said board may determine, but at not less than par and accrued interest.

Rate of interest.

Public or private sale.

SEC. 4. That the board of aldermen of said town of Brevard are hereby authorized and empowered to levy and collect annually a special tax of sufficient rate and amount to pay the interest on said bonds as it becomes due and to create a sinking fund to pay the principal of said bonds at maturity.

Special tax.

SEC. 5. That the powers conferred by this act are in addition to and not in substitution for those conferred by any other act, general or special, and this act shall not be affected by any condition, restriction or limitation imposed by any other act, general or special.

Additional powers.

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

Conflicting laws repealed.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 54

AN ACT TO AUTHORIZE THE SCHOOL COMMISSIONERS OF THE TOWN OF LEXINGTON TO SECURE SUITABLE SITES FOR SCHOOLHOUSES OR OTHER SCHOOL BUILDINGS, AND FOR PLAYGROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. The school commissioners of the town of Lexington may receive by gift, purchase or otherwise suitable sites for schoolhouses and other buildings, and for playgrounds. But whenever such board is unable to obtain suitable sites by gift or purchase, the board shall have power to condemn such land as may be necessary for such purposes, including the power to condemn land on which is located dwelling houses, kitchens or gardens. Whenever said school commissioners shall desire to condemn such lands they shall file with the clerk of

Authority given school commissioners.

Power to condemn land.

the Superior Court of Davidson County their petition, which petition shall set forth and describe the lands sought to be condemned, and the fact that the said board is unable to secure same by purchase. Upon such petition being filed the clerk of the Superior Court shall, upon ten days notice to the owner or owners of the land sought to be condemned, appoint three disinterested freeholders of Davidson County, who shall view the premises and assess the value thereof and shall make a written report of their appraisals, signed by at least a majority of them, to the said clerk within five days of their appointment, which report shall be entered by the clerk upon the records of his office. If the report is confirmed by the clerk, the said school commissioners shall deposit with the clerk for the use of the owner or owners of the lands condemned, the amount assessed, and shall immediately have the right to enter into possession of said lands, and in case the owner or owners refuse to vacate the same may have execution as in ejectment against the said owners or occupants of the land.

SEC. 2. If the land sought to be condemned hereunder, or any part of said land, shall be owned by a nonresident of the State, before the clerk shall appoint appraisers thereof, notice to such nonresident owner shall be given of such proceedings to condemn, by publication for thirty days of a notice setting forth the purposes of the proceedings, such notice to be published in some newspaper published in the town of Lexington.

SEC. 3. Either party aggrieved by the action of the appraisers may appeal to the Superior Court, but no appeal shall prevent the school commissioners from taking possession of the said lands and only the question of the value of the property taken shall be the subject of inquiry on the appeal, and if the owner or owners shall appeal, and shall fail to recover upon the trial a greater sum than the appraisers assessed them he shall pay the cost of said appeal. Upon final judgment the school commissioners shall pay to the owner or owners such sums as may be assessed, together with the cost of the proceeding, except as above provided.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 55

AN ACT TO AUTHORIZE LEXINGTON HIGH SCHOOL DISTRICT, DAVIDSON COUNTY, TO ISSUE BONDS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of the Lexington high school district, Davidson County, a high school district heretofore created by law, is hereby authorized, subject to a vote of the majority of the qualified voters of said district, to issue at one time, or from time to time, not exceeding fifty thousand dollars bonds of said high school district, for the purpose of erecting, enlarging, altering and equipping school buildings and purchasing and improving sites for buildings and playgrounds, or for any one or more of said purposes. Said bonds shall bear interest at not more than six per cent per annum, payable semiannually, and shall mature at such time or times not more than thirty years from their respective dates, as said board may determine. No sale of any of the bonds shall be made at less than par and accrued interest, nor until a notice of the date of receiving bids shall have been published in a newspaper published in the town of Lexington, and in a newspaper published in the city of Raleigh, which publication shall be at least ten days before the said date for receiving bids, and no other or further notice of sale shall be required.

Issuance of bonds authorized.

Purpose of bonds.

Rate of interest; payment; maturity.

Sale of bonds.

SEC. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of said high school district shall vote in favor of the issuance of the same at an election to be called by the board of commissioners of Davidson County after a petition requesting said election, and signed by a majority of the board of trustees of said district, has been filed with the said board of commissioners. It shall not be necessary to submit to the voters any other details of said bonds than the amount or maximum amount with a statement of such purpose as stated herein, and the fact that the tax for the payment of the bonds and interest will be levied. No other or further notice of said election shall be required except a publication not more than forty days nor less than twenty days before said election, in a newspaper published in the town of Lexington, such publication to state the question as herein provided for as well as the day of election and the place or places at which the polls will be open. The board of commissioners may order a new registration of voters if the petition of the school trustees request same. No other or further notice of said new registration shall be required than a publication at least thirty days before the closing

Vote of people.

Statement of ballot.

Notice published.

New registration. of the registration books, in a newspaper published in the town of Lexington, such publication to state the days on which the books of registration will be open and the place or places at which they will be open on Saturdays. The board of county commissioners shall appoint the registrars and judges of election and fix the polling places and canvass the election, and except as herein otherwise provided, the provisions of the law then applicable to elections in special charter school districts shall be applicable to the registration and election hereunder.

Appointment
of registrars,
etc.

In favor
issuance.

SEC. 3. If a majority of the qualified voters of said district shall vote in favor of the issuance of the bonds, then such bonds shall be forthwith issued by the board of trustees of the school district; the board of trustees shall cause the bonds to be issued in the name of the district and to be prepared and executed in such manner as they may determine; such bonds shall be coupon bonds, but may be made subject to registration as to principal alone, or as to both principal and interest, under such conditions as said board may determine; said bonds shall be sold by the board of trustees as hereinbefore provided, and the proceeds of said bonds shall be paid into the hands of the treasurer of the high school district.

Form of bonds.

Special tax.

SEC. 4. In each year while any of said bonds shall be outstanding it shall be the duty of the board of commissioners to levy a tax on all taxable property within said high school district over and above all taxes authorized by law, sufficient to meet the payment of interest and principal falling due in the next succeeding year, if serial bonds are issued, or if the bonds are not issued as serial bonds, for the purpose of paying the interest and the creation of a sinking fund for the retirement of the bonds at maturity, which tax when collected shall be turned over to the treasurer of the district to be held by him for the sole purpose for which it was levied.

Tax to
treasurer of
the district.

Additional
powers.

SEC. 5. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder, notwithstanding any other law, general or special, heretofore enacted at this session of the Legislature.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 56

AN ACT TO CREATE THE DURHAM STATE NORMAL SCHOOL THE NORTH CAROLINA COLLEGE FOR NEGROES.

Whereas, the number of negro high schools is increasing, and whereas the supply of well trained negro high school teachers and principals is inadequate even to meet present needs; and whereas, there is a growing desire among negroes for a liberal college education: Therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Durham State Normal School, located at Durham, North Carolina, is hereby created the North Carolina College for Negroes, and shall be under such name a body politic incorporated and by that name shall have perpetual succession and a common seal, and by that name shall be able and capable in law to take, demand, receive, and possess all moneys, goods and chattels that shall be given for the use of said North Carolina College for Negroes, and to apply the same according to the will of the donors; and by gift, purchase, or devise, to receive, possess, enjoy and retain forever any and all real and personal estate and funds of whatever so ever kind, nature or quality the same may be in special trust and confidence that the same, or profits thereof, shall be applied to and for the use and purpose of establishing and endowing the said North Carolina College for Negroes; and shall have the power to receive donations from any source whatsoever, to be exclusively devoted to the purposes of the maintenance of said North Carolina College for Negroes or according to the terms of donation. The corporation, by its corporate name, shall be able and capable in law to bargain, sell, grant, alien, or dispose of and convey and assure to the purchasers any and all such real and personal estate and funds as it may lawfully acquire when the condition of the grant to it or the will of the deviser does not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever; and in general may do all such things as may be necessary for the promotion of learning and virtue among the negroes of the State. The State Board of Education is authorized, empowered and directed to make and deliver to North Carolina College for Negroes a deed for the property described for in a deed from National Training School to State Board of Education, dated September eighteenth, nineteen hundred and twenty-three, and recorded in the office of the register

Durham State Normal School created North Carolina College for Negroes.

Privileges of college.

Endowments.

Maintenance.

Bargaining, selling, etc.

Authorized to deliver deed.

Recorded in office register of deeds.

of deeds of Durham County, North Carolina, in book sixty-six of deeds, page six hundred and forty.

Necessary provisions for maintenance.

SEC. 2. The General Assembly may make such provisions, laws and regulations from time to time as may be expedient and necessary for the maintenance and management of said North Carolina College for Negroes, and shall provide that the benefits of said college as far as practicable be extended to the negroes of the State.

Trustees.

Term of office.

Ex officio trustee.

Authority given trustees.

SEC. 3. There shall be twelve trustees for the said North Carolina College for Negroes appointed by the Governor and the State Superintendent of Public Instruction whose terms of office shall be four years. The Superintendent of Public Instruction of the State shall be ex officio trustee of said college. In the trustees shall be vested all the rights, privileges, franchises and endowments in any wise granted to or conferred upon the trustees of the North Carolina College for Negroes; and said board of trustees shall have the power to vacate the appointment and remove a trustee for improper conduct, stating the cause of such removal on the journal; but this shall not be done except at an annual meeting of the said board of trustees or at a special meeting of the board of trustee called for that purpose, and there shall be present at said meeting at least nine members of the said board. Whenever any vacancy shall happen in the said board, by reason of resignation, death, or removal for disqualification, the Governor and the State Superintendent of Public Instruction shall appoint another to fill such vacancy and his appointee shall hold office for the unexpired term of the said trustee.

In re vacancy.

Annual meeting.

SEC. 4. There shall be an annual meeting of the board of trustees of the said North Carolina College for Negroes at a time to be fixed by the said board. At any annual meeting of the said board any number of trustees, not less than seven, shall constitute a quorum and be competent to exercise full power and authority to do the business of the corporation; and the said board shall have the power to appoint special meetings of the trustees at such time and place, as in their opinion, the interest of the corporation may require; but no special meeting shall have the power to revoke or alter any order, resolution or vote of an annual meeting; and the board of trustees at any annual meeting may, by resolution, vote or ordinance from time to time as to it may seem meet, limit, control and restrain the business to be transacted and the power to be possessed and exercised by special meetings of the board, called according to law, and the powers of such special meetings shall be limited, controlled and restrained accordingly. There shall be kept a

Special meetings.

full and complete record of all resolutions and acts authorized by the board of trustees at the annual or special meetings.

SEC. 5. The trustees shall have the power to make such rules and regulations for the management of the North Carolina College for Negroes as they may deem necessary and expedient, not inconsistent with the laws of the State, and the said trustees shall have the power to appoint from their own number an executive committee consisting of not less than four members, which committee shall be clothed with such powers as the trustees may confer.

Further
authority
given
trustees.

SEC. 6. The trustees shall have the power to appoint a president for the said North Carolina College for Negroes and such professors, tutors and other officers as may be nominated by said president and approved by said board. The board may remove any officer, teacher or employee for misbehavior, inability or neglect of duty. They shall have the power to make all such laws and regulations for the government of the North Carolina College for Negroes and preservation of order and good morals therein as to them may appear necessary, subject to the approval of the State Superintendent of Public Instruction, provided they are not contrary to the laws of the State. The faculty of the said North Carolina College for Negroes, by and with the consent of the trustees, shall have the power to confer degrees in accordance with article thirty-six (36), chapter one hundred and thirty-six (136), Public Laws of one thousand nine hundred and twenty-three.

Appointment
of president
of college.

Removal
of teachers.

Rules.

Power of
faculty to
confer
degrees.

SEC. 7. The trustees shall elect and commission some person to be treasurer of the corporation for the term of two years only, and until his successor shall be elected and qualified; which treasurer shall enter into bond, with sufficient sureties, payable to the State of North Carolina, in sum of not less than ten thousand dollars, conditioned for the faithful discharge of his office and the trust reposed in him, and that all moneys and chattels belonging to the corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding treasurer. Every treasurer shall receive all moneys, donations, gifts, bequests and charities whatsoever that may belong or accrue to the corporation during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver the same proceedings may be had against him and on his official bond.

Treasurer of
the corporation.

Account of
treasurer.

SEC. 8. That the board of trustees are hereby authorized and empowered to fix the amount of tuition at said North Carolina

Tuition.

College for Negroes except that all students of the normal department, who shall have agreed in writing to teach one year after leaving said college, do not have to pay tuition in that department, but they shall pay full tuition in other departments and the said board of trustees shall, by and with the consent and approval of the State Superintendent of Public Instruction, fix the curriculum of the said North Carolina College for Negroes and particularly the course of study to be pursued in the normal department of said college.

Support and
maintenance.

SEC. 9. The said North Carolina College for Negroes shall, until otherwise provided by the Legislature, receive its due proportion of the funds authorized by the General Assembly of North Carolina to be expended by the State Board of Education in the support and maintenance of normal schools for the negroes of the State.

Offices
vacated.

SEC. 10. That immediately upon the ratification of this act the present board of trustees shall be vacated and also the office of principal and of all employees of the present board at the expiration of their present contracts. The Governor and the State Superintendent of Public Instruction shall immediately or as soon thereafter as possible appoint a new board of trustees for the North Carolina College for Negroes provided that the old board shall serve until the new board is appointed and qualifies.

Appointment of
new board.

Conflicting
laws repealed.

SEC. 11. That all laws and parts of laws in conflict with and contrary to the provisions of this act be and the same are hereby repealed.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 57

AN ACT TO ALLOW A SPECIAL TAX FOR THE WALSTONBURG HIGH SCHOOL SPECIAL TAX DISTRICT.

The General Assembly of North Carolina do enact:

Commissioners
authorized levy
special tax.

SECTION 1. That the board of commissioners of Greene County be and it is hereby authorized and empowered to levy a special tax not exceeding twenty cents on the one hundred dollars valuation on all the taxable property, real and personal and other subjects of taxation in the Walstonburg high school special tax district in Greene County, and sixty cents on each poll annually, for a period of six years, namely: from one thousand nine hundred and twenty-five to one thousand nine hundred and thirty, inclusive, to be expended in paying off the debts and obligations

heretofore incurred by said special school tax district, and to aid in securing and obtaining better school advantages, facilities and equipment for said special school tax district. Purpose of tax.

SEC. 2. That this tax shall be levied and collected at the same time and in the same manner as other taxes in said county of Greene. Collection of taxes.

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

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 58

AN ACT TO ISSUE BONDS TO FUND THE DEBT FOR SCHOOL BUILDINGS OF PINK HILL SPECIAL TAX DISTRICT IN DUPLIN COUNTY.

Whereas, the board of education of Duplin County has incurred an indebtedness of twelve thousand dollars, which has been used in the erection of school buildings in Pink Hill special tax district of Duplin County, and the note of said board of education is outstanding for the same with the promise that said debt shall be repaid by said district; and whereas, it is desirable that bonds of said district shall be issued to fund said debt: Now, therefore, Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and the same is hereby authorized and directed to issue the bonds of Pink Hill special tax district in Duplin County as hereinafter described in an amount not exceeding twelve thousand dollars and bearing interest from date thereof at not exceeding six per cent per annum, interest due and payable semiannually with interest coupons attached, the principal thereof to be payable at such time or times not exceeding ten years from the date thereof, and at such place or places as said board of commissioners may determine, and said board of commissioners are hereby expressly authorized to issue said bonds in such denominations as they may determine and at different times and in different amounts to become due at different dates, and to issue all of said bonds at one time or from time to time as they may see fit, which said bonds shall be denominated Pink Hill special school bonds. Issuance of bonds authorized. Rate of interest. Payment. Denominations.

SEC. 2. The boundaries of said Pink Hill special tax district are hereby defined as follows: Boundaries Pink Hill special tax district.

Beginning at the head of Matthews Branch on the Lenoir County line, thence down the run of said branch to the North East River, thence down said river to W. G. Kornegay's lower land line, thence with said Kornegay's southern line and the northern line of H. D. Williams, Frank Outlaw and G. W. Whitefield up Burncoat Swamp to Fannie Smith's line, thence in a southeastward direction with the boundary lines between the lands of G. W. Whitfield and Lemuel Smith on the one side, and the lands of Fannie Smith and the heirs of Gertrude Stancel and Cattie Smith on the other side to the road leading from Lonnie Smith's by C. G. Smith's residence, at the mouth of a cart road leading to the old Panther Mill, thence said cart road to said mill, thence up the run of Panther to the mouth of Gum Branch, thence up the run of Gum Branch to the public road leading from Kenansville to old Pink Hill, thence with said road to the Lenoir County line, thence to the beginning.

Sale of bonds.

SEC. 3. That said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of twelve thousand dollars and interest due by the board of education for said special tax district or so much as may be due and owing and for no other purpose.

Special tax.

SEC. 4. That for the purpose of paying the interest on said bonds and creating a sinking fund to pay the principal thereof when due the board of commissioners of Duplin County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax on all subjects of taxation in the district above described, in accordance with law, sufficient in amount to pay said interest and create a sinking fund to pay said principal of said bonds at maturity.

Investment of sinking fund.

SEC. 5. That the treasurer of Duplin County may by order and direction of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and the interest of the same to be used to discharge said bonds when due.

Conflicting laws 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 force from and after its ratification.

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 59

AN ACT TO ISSUE BONDS TO FUND THE DEBT FOR SCHOOL BUILDINGS OF MAGNOLIA SPECIAL TAX DISTRICT IN DUPLIN COUNTY.

Whereas, the board of education of Duplin County has incurred an indebtedness of five thousand dollars which has been used in the erection of school buildings in Magnolia special tax district of Duplin County, and the note of said board of education is outstanding for the same, with the promise that said debt shall be repaid by said district; and whereas, it is desirable that bonds of said district shall be issued to fund said debt: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and the same is hereby authorized and directed to issue the bonds of Magnolia special tax district, in Duplin County, as hereinafter described, in an amount not exceeding five thousand dollars and bearing interest from date thereof at not exceeding six per cent per annum, interest due and payable semiannually, with interest coupons attached, the principal thereof to be payable at such time or times not exceeding ten years from the date thereof and at such place or places as said board of commissioners may determine, and said board of commissioners are hereby expressly authorized to issue said bonds in such denominations as they may determine and at different times and in different amounts to become due at different dates, and to issue all of said bonds at one time or from time to time, as they may see fit, which said bonds shall be denominated Magnolia special school bonds.

Issuance of bonds authorized.

Rate of interest, etc.

Denominations.

Magnolia special school bonds.

Boundaries Magnolia special tax district.

Sec. 2. The boundaries of said Magnolia special tax district are hereby defined as follows:

Beginning on the Sampson line, at the run of Stewart's Creek; thence with the Sampson line southward to the lower corner of B. N. Williams's land, thence eastward with the line of said Williams's and J. M. Huffam land to the southeastern corner of said Huffam land to the run of Beaver Dam Creek, thence down the said creek to the mouth of Murphy's Creek, thence up Murphy's Creek to the mouth of Ben's Creek, thence up Ben's Creek to L. C. Drew's lower line, thence to and with the Rose Hill and Magnolia township line to the run of Maxwell Swamp, then down Maxwell Swamp to the State highway number forty, thence up said highway to Elder Swamp, thence up Elder Swamp to Alston Chestnutt's southern line, thence with his southern

line, and western line to the Kenansville and Magnolia public road, near the colored school house, thence northward to Clara Middleton's land, thence along her line eastward to the old road leading to Warsaw, thence along the Warsaw road and the southern lines of L. H. Howard, J. A. Powell, and C. J. Hamilton, to the run of Maxwell Swamp, thence up said swamp to K. E. Hollingsworth's northern line, thence his northern and western line to the public road, thence with the public road crossing the Atlantic Coast railroad near the fiftieth mile post to T. K. Torrens's southwestern corner, near old Carlton's Chapel, thence northward with his line to the run of Kenan Branch, thence down the run of said branch to Stewart's Creek, thence down Stewart's Creek to the beginning.

Sale of bonds. SEC. 3. The said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best, and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of five thousand dollars and interest, due by the board of education for said special tax district or so much as may be due and owing and for no other purposes.

Use of proceeds. SEC. 4. That for the purpose of paying the interest on said bonds and create a sinking fund to pay the principal thereof when due, the board of commissioners of Duplin County shall levy and cause to be collected, a special tax on all subjects of taxation in the district above described, in accordance with law sufficient in amount to pay said interest and create a sinking fund to pay said principal of said bonds at maturity.

Special tax. SEC. 5. That the treasurer of Duplin County may by order and direction of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and interest of the same to be used to discharge said bonds when due.

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

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

Ratified this the 21st day of February, A.D. 1925.

CHAPTER 60

AN ACT TO ISSUE BONDS TO FUND THE DEBT FOR SCHOOL BUILDINGS OF BEULAVILLE SPECIAL TAX DISTRICT IN DUPLIN COUNTY.

Whereas, the board of education of Duplin County has incurred an indebtedness of ten thousand dollars which has been issued [used] in the erection of school buildings in Beulaville special tax district of Duplin County, and the note of said board of education is outstanding for the same with the promise that said debt shall be repaid by said district; and whereas, it is desired that bonds of said district shall be issued to fund said debt: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and is hereby authorized and directed to issue the bonds of Beulaville special tax district in Duplin County, as hereinafter described, in an amount not exceeding ten thousand dollars and bearing interest from date thereof at not exceeding six per cent per annum, interest due and payable semiannually, with interest coupons attached, the principal thereof to be payable at such time or times not exceeding ten years from the date thereof, and at such place or places as the said board of commissioners may determine, and said board of commissioners are hereby expressly authorized to issue said bonds in such denominations as they may determine and at different times and in different amounts to become due at different dates, and to issue all of said bonds at one time or from time to time as they may see fit, which said bonds shall be denominated Beulaville special school bonds.

Bond issue authorized.

SEC. 2. That the boundaries of said Beulaville special tax district are hereby defined as follows:

Boundaries of Beulaville special tax district.

Beginning at the bridge near the mouth of Limestone Creek; thence along the public road known as State highway number three hundred and one; to the road leading from Beulaville to Robert Jackson's store; thence along the Morman short-cut road southward to J. K. Williams's west line; thence with that line and John Pickett's line to the run of Muddy Creek; thence up the run of Muddy Creek to Stephens Swamp; thence up Stephens swamp to Felix Edwards' new road; thence that road to the Onslow public road; thence that road eastward to Taylor's Branch; thence down Taylor's Branch to Limestone Swamp; thence down Limestone Swamp to the beginning.

Sale of bonds. SEC. 3. The said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best, and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of ten thousand dollars and interest due by the board of education for said special tax district or so much as may be due and owing and for no other purpose.

Sinking fund. SEC. 4. That for the purpose of paying the interest on said bonds and creating a sinking fund to pay the principal when due, the board of commissioners of Duplin County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax on all subjects of taxation in the district above described, in accordance with law, sufficient in amount to pay said interest and create a sinking fund to pay the said principal of said bond at maturity.

Investment of sinking fund. SEC. 5. That the treasurer of Duplin County may by order of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities, to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and interest of the same to be used to discharge said bonds when due.

Conflicting laws 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 force from and after its ratification.

Ratified this 21st day of February, A.D. 1925.

CHAPTER 61

AN ACT TO AMEND CHAPTER 242 OF THE PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve of chapter two hundred and forty-two of the Private Laws of one thousand nine hundred and thirteen be and is hereby amended by striking out the words "except as herein otherwise provided," in line six of said section, and substituting therefor the following words: "except that the registration books shall be open for the registration of voters on ten secular days next preceding the closing of said books, and shall close on the thirty-first day of January next preceding each election, unless the same shall fall on Sunday, in which event said books shall close on January thirtieth; and the next succeeding Monday after the closing of the registration books shall be challenge day, when challenges shall be heard and determined."

Amendment relating to registration books school district number 1, Jackson County.

SEC. 2. That section thirteen of said chapter two hundred and forty-two be and is hereby amended by striking out the words "trustees elected under the provisions of this act shall qualify before some justice of the peace on or before the first Monday in May succeeding their election" and substituting therefor the following words: "trustees elected under the provisions of this act shall qualify before some justice of the peace or notary public on or before the first Monday in March next succeeding their election."

Amendment.

Trustees to qualify before entering upon their duties.

SEC. 3. That section fourteen of said chapter two hundred and forty-two be and is hereby amended by striking out the word "March," in the first line in said section, and substituting therefor the word "January," and by striking out the word "fourteen" in line two of said section, and substituting therefor the word "twenty-six," and by striking out the word "April," in line eight of said section, and substituting therefor the word "February," and by changing the period at the end of said section to a comma and adding to said section the words "except as herein otherwise provided."

Amendment changing time of holding election.

SEC. 4. That the terms of office of trustees elected under the provisions of said chapter two hundred and forty-two, which would otherwise expire on the first Monday in May, one thousand nine hundred and twenty-six, shall expire on the first Monday in March, one thousand nine hundred and twenty-six, and those which would otherwise expire on the first Monday in May, one thousand nine hundred twenty-eight, shall expire on the first Monday in March, one thousand nine hundred twenty-eight.

Terms of office.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 62

AN ACT TO CHANGE THE BOUNDARIES OF THE VOTING PRECINCTS IN THE CITY OF SALISBURY, COUNTY OF ROWAN.

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of elections of Rowan County shall change the boundaries of the present voting precincts in the city of Salisbury so as to conform to the boundaries of the precincts as now laid out and used in the city of Salisbury for municipal elections.

Boundaries changed.

SEC. 2. That said county board of elections shall require a new registration of all voters within the boundaries of said precincts as changed in the city of Salisbury.

Compliance
prior next
primary.

SEC. 3. That the county board of elections are required to comply with the provisions of this act before the next primary election held in Rowan County.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 63

AN ACT TO VALIDATE THE PROCEEDINGS OF THE CITY OF SALISBURY RELATING TO THE ISSUANCE OF CERTAIN SCHOOL BONDS.

The General Assembly of North Carolina do enact:

Bond issue
validated.

SECTION 1. The election held in the city of Salisbury on the third day of June, nineteen hundred and twenty-four, on the question of issuing three hundred thousand dollars of bonds of said city for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, and purchasing sites for school purposes in said city, and levying a sufficient tax for the payment of said bonds, under the provisions of article twenty-two of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and twenty-three, and all acts and proceedings done or taken in or about the calling, holding, or determining of the result of said election or in or about the registration of voters for said election, are hereby ratified and validated; and the board of aldermen of the city of Salisbury is hereby authorized to issue said bonds and to levy said tax for the payment thereof, in accordance with the said article twenty-two.

Election
concerning bond
issue
validated.

SEC. 2. The election held in the city of Salisbury on the seventh day of June, nineteen hundred and twenty-one, on the question of approving an ordinance authorizing the issuance of five hundred thousand dollars of bonds of said city for the purpose of constructing, reconstructing, altering, furnishing and equipping buildings for school purposes, or acquiring or improving lands for school purposes, within the corporate limits of said city, and providing for the levying of a sufficient tax for the payment of said bonds, pursuant to chapter one hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and twenty-one, and all acts and proceedings done or taken in or about the passage of said ordinance, or the calling,

holding or determining of the result of said election, or the registration of voters for said election, are hereby ratified and validated. The three hundred and fifty thousand dollars of school bonds heretofore issued by the city of Salisbury pursuant to the said ordinance and election are also hereby ratified and validated, and a sufficient annual tax shall be levied for the payment thereof as provided by said statute. The board of aldermen of the city of Salisbury is hereby authorized to issue the remaining one hundred and fifty thousand dollars of bonds authorized by said ordinance and election, and to levy a sufficient tax for the payment of said bonds, in accordance with the said statute, except as herein otherwise provided. The said remaining one hundred and fifty thousand dollars of bonds may be issued at any time during the year nineteen hundred and twenty-five, notwithstanding anything to the contrary contained in the Municipal Finance Act, one thousand nine hundred and twenty-one, or any other act.

Further issue.

SEC. 3. All acts and proceedings of the city board of education of the city of Salisbury heretofore done or taken in or about the application of the proceeds of the three hundred and fifty thousand dollars of school bonds heretofore issued as stated in section two of this act are hereby ratified and validated.

Acts city board of education validated.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 64

AN ACT TO AMEND CHAPTER 101 OF PRIVATE LAWS OF 1883, INCORPORATING THE TOWN OF CONOVER IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and one of the Private Laws of one thousand eight hundred and eighty-three be and the same is hereby amended by inserting the word "and" after the word "mayor," in line one, and by striking out after the word "commissioners," in line two, the words "and a constable," and that said section be and is hereby further amended by inserting between the words "treasurer" and the word "to," in line six, the words "and a constable and such policemen as may be deemed necessary" and that said section be further amended by adding at the end thereof the following:

Amendment.

"In case the commissioners fail to elect a constable, then the duties and obligations imposed upon the constable by this chapter shall devolve upon and be performed by any policeman designated by the board of commissioners."

SEC. 2. That section twenty-five of chapter one hundred one of the Private Laws of eighteen hundred eighty-three be and the same is hereby amended so as to read as follows:

"Sec. 25. That the town of Conover is hereby vested with all the power, rights, privileges, and immunities conferred upon municipal corporations by the general laws of North Carolina, not inconsistent with any of the provisions of this act."

Conflicting
laws repealed.

SEC. 3. That all laws in conflict with this act, so far as they affect the town of Conover, are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 65

AN ACT TO AMEND THE CHARTER OF THE TOWN OF FAIRMONT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the officers of the town of Fairmont shall consist of a mayor and four commissioners to be elected by the qualified voters of the town of Fairmont in the same manner now provided by law.

Officers of
Fairmont.

SEC. 2. That the term of the office of mayor of the said town of Fairmont, from and after the first Monday in May, one thousand nine hundred and twenty-five, shall be two years.

Term of
office.

SEC. 3. At the regular primary and election of one thousand nine hundred and twenty-five two commissioners shall be elected for a term of one year and two commissioners for a term of two years, and in said election the ballots cast for said commissioners shall designate which of the said commissioners shall serve for one year and which shall serve for two years. At every election thereafter for the election of commissioners, which shall be held annually on the first Monday in May, two commissioners shall be elected for a term of two years and until their successors shall be elected and qualified. Three of said commissioners shall constitute a quorum and at any meeting in which only three are present two shall constitute a legal majority of said board; otherwise three.

Election of
commissioners.

Quorum.

SEC. 4. At the regular primary and election of one thousand nine hundred and twenty-five the mayor shall be elected for the term of two years and until his successor shall be elected and qualified.

Election
of mayor.

SEC. 5. That chapter eighty-two of the Private Laws of nineteen hundred and one, in so far as the same conflicts with the provisions of this act only, be and the same is hereby repealed.

Chapter
repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, be and the same are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 66

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF GRANITE FALLS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of erecting a suitable and adequate building or buildings for the schools of Granite Falls school district and for making additions thereto and for the purpose of providing suitable equipment for the same the board of trustees of said district shall be and they are hereby authorized to issue coupon bonds to an amount not exceeding fifty thousand dollars (\$50,000) of such form and tenor and of such denomination and bearing such date or dates and payable at such time or times, and at such place or places, and having interest coupons attached bearing such rate of interest not exceeding six per cent per annum, payable half-yearly, as said board of trustees may determine and deem advisable.

Purpose
of bonds.

Issuance of
bonds
authorized.

SEC. 2. That for the purposes of paying said bonds and the interest thereon the board of commissioners of Caldwell County shall annually and at the time of levying county taxes levy and lay a tax on all subjects of taxation within the limits of said graded school district on which said board of commissioners may now or may hereafter be authorized to lay and levy taxes for any purpose whatever. Such rate of taxes shall be in amount as recommended and deemed adequate by said board of school trustees to pay the interest on said bonds and provide a sinking fund for the payment thereof at maturity.

Special tax.

SEC. 3. The provisions of this act shall be submitted to a vote of the qualified voters of said graded school district at a special election to be had on Monday, April sixth, one thousand

Submitted
to vote.

nine hundred and twenty-five, under the statutory provisions governing the election of members of the General Assembly: *Provided, however,* that a new registration shall be had for such election, the registrar and judges to be appointed by the board of elections of Caldwell County.

Proviso: new registration.

Notice of election.

SEC. 4. That thirty days notice of such election, containing a copy of this act, shall be published in a newspaper published in Caldwell County, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of general elections. Those qualified voters approving the issue of bonds herein provided for the levy and collection of the particular taxes provided for in section three of this act shall deposit a ballot containing the written or printed words "For bonds," and those disapproving the same shall deposit a ballot containing the written or printed words "Against bonds." If a majority of such voters shall vote "For bonds" it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting the aforesaid board of graded school trustees authority to issue such bonds, and to the board of commissioners of said county authority to levy such particular annual tax and said board of trustees and said board of commissioners shall have such authority; but if a majority of such qualified voters shall vote "Against bonds," then said board of trustees and said board of commissioners shall not have such authority: *Provided,* that the result of such election, duly ascertained in accordance with law, shall be enrolled in the office of the register of deeds of Caldwell County. After thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the facts therein certified and recited.

Form of ballots.

Proviso: result enrolled.

SEC. 5. That chapter one hundred and seventy-eight (178), Private Laws of one thousand nine hundred and twenty-three, regular session, as well as all other laws and clauses of laws in conflict herewith are hereby repealed.

All conflicting laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 67

AN ACT TO RATIFY AND APPROVE AN ISSUE OF SCHOOL BONDS OF THE HENDERSONVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds of Hendersonville graded school district, authorized by chapter one hundred, Private Laws of one thousand nine hundred and twenty-three, and heretofore authorized at an election held in said school district, are hereby declared to be valid and binding obligations of said Hendersonville graded school district, notwithstanding that said bonds are issued as serial bonds, to mature as follows: Six thousand dollars on February first in each of the years nineteen twenty-eight to nineteen thirty-seven, both inclusive; eight thousand on February first in each of the years nineteen thirty-eight to nineteen forty-two, both inclusive; ten thousand dollars on February first in each of the years nineteen forty-three to nineteen forty-seven, both inclusive; twelve thousand dollars on February first in each of the years nineteen forty-eight to nineteen fifty-two, both inclusive, and fourteen thousand dollars on February first in each of the years nineteen hundred and fifty-three to nineteen fifty-seven, both inclusive; and that said maturities are hereby ratified and approved and confirmed.

Bonds
validated.

Maturity.

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

Conflicting
laws repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 68

AN ACT TO AMEND CHAPTER 309 OF THE PRIVATE LAWS OF 1903, THE CHARTER OF THE TOWN OF CHINA GROVE.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of China Grove, chapter three hundred and nine, Private Laws of nineteen hundred and three, be amended by adding at the end thereof the following: "That chapter fifty-six of the Consolidated Statutes of North Carolina, not inconsistent with said charter of said town, is hereby made a part of said charter, and that in issuing bonds, borrowing money, and passing ordinances, rules, and regulations,

Town charter
amended.

said chapter shall be applicable except as herein provided otherwise."

Presentation
of claims.

SEC. 2. No action shall be instituted or maintained against said town upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to said board of aldermen, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; the statute of limitations shall not begin to run until the expiration of the ten days from such demand or until refusal by said board to pay such claim: *Provided*, such demand shall be made in thirty days from the time the cause of action arose.

Beginning
statute of
limitations.

SEC. 3. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town, unless within ninety days after the happening or infliction of the injury complained of by complainant or his executors or administrators 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 the happening or infliction of such injury, the manner of such infliction, the character of the injury and the amount of damages claimed therefor: but this shall not prevent any time of limitations 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.

Notice to
aldermen of
actions for
damages.

SEC. 4. That it shall be unlawful for any person, firm, or corporation to violate, do, or commit any of the following acts or things, to wit: It shall be unlawful for persons to assemble in any house or a public highway or streets of said town, to the annoyance and disturbance of others or passersby; that persons shall not assemble along the streets of said town for the purpose of preventing others from using the streets or sidewalks, and persons shall not congregate on the streets or sidewalks for the purpose of preventing others from going to or from their respective places of business or work, and it shall further be unlawful for persons to congregate and use abusive or insulting language or attempt to intimidate others from using the streets or sidewalks in going to or from their homes, places of business or work; it shall be unlawful for any person to act disorderly on the streets or sidewalks of the town, or curse or use profane or indecent language in the hearing of two or more persons; it shall be unlawful for any person, or firm, to display in any street or alley, store or shop, or public place, any vulgar or obscene pictures, marks, words, or representations of any kind; it shall be unlawful for any person to be in a state of intoxication on the streets or sidewalks of said town, or in any public place or upon the premises of another than himself, and it shall

Prohibition
laws.

be unlawful for any person to act disorderly on his own premises or be in a state of intoxication on his own premises to the annoyance or disturbance of any other person; it shall be unlawful to ride any bicycle, motorcycle, or automobile on the sidewalks of said town, or to operate the same within the corporate limits in a reckless or careless or dangerous manner; it shall be unlawful for any person to permit his or her dog, male or female, to run at large on the streets of said town without first paying the town license tax; it shall be unlawful for any person to discharge any firearm or other explosive within the city unless it is done by an officer in the discharge of his duty, or by some person to give an alarm of fire or burglary, or to cause an intruder to leave his premises; it shall be unlawful to feed any livestock, horses, or mules in the streets of said town; it shall be unlawful for any railroad to blockade any public street or thoroughfare for a longer period than ten minutes at any one time, and the engineer and other train crew causing the same to be done shall be liable to prosecution; it shall be unlawful for any person to create any disturbance at any public gathering, school entertainment, or molest or disturb the speaker of any gathering for any legal cause, or interfere with any person at any gathering, picnic, school meeting, prayer meeting, church, or political meeting; it shall be unlawful for any person to injure or deface any of the property of the town, buildings, fences, lights, or other property; it shall be unlawful for any person, firm, or corporation to engage in any business upon which the town places a license tax, without first having paid said tax and obtained a license; it shall be unlawful for any person who is not an officer to assume to act or attempt to act as an officer unless he has been duly summoned by an officer to act as such.

SEC. 5. No person, firm, or corporation in the town of China Grove, or within a radius of one and one-half miles from the corporate limits of said town, in any direction, shall expose for sale, sell, or offer for sale, on Sunday, commonly called the Lord's Day, any goods, wares, or merchandise, and no store, shop, or other place of business in which goods, wares, and merchandise of any kind are kept for sale, shall keep open doors from twelve o'clock Saturday night until twelve o'clock Sunday night: *Provided*, that this shall not be construed to apply to hotels or boarding houses, restaurants, or cafés furnishing meals to bona fide guests where the same are not otherwise prohibited by law from keeping open on Sunday: *Provided further*, that drug stores with licensed pharmacists may be kept open for the sale of goods to be used for medical or surgical purposes, and cafés, restaurants may keep open from six-thirty o'clock a.m. to nine o'clock a.m., and from twelve o'clock noon to two o'clock

Sale of goods
on Sunday.

Proviso: does
not apply to
hotels, etc.

p.m., and from seven o'clock p.m. until nine o'clock p.m. on Sundays, for the purpose of serving meals or selling lunches for the purpose of satisfying hunger, and hotels may be kept open during the same hours for the purpose of serving meals to their guests, but no restaurant, café, or other place of business shall sell, or offer for sale, during said hours, or at any other time on Sunday, any soft drinks, including coca-cola, chero-cola, ice cream, or other drinks except coffee, tea, milk, or water, and neither shall said soft drinks be given, purchased, or provided with meals or lunches served guests or others at said cafés or restaurants, neither shall said restaurants, cafés, or other places from which meals are served, sell or dispose of any cigars, tobacco, cigarettes, ice cream, canned goods, or other goods: *Provided further*, that this act shall not prohibit ice dealers from serving ice, garage dealers to furnish gasoline, oil or other things for the operation of automobiles, neither shall it prohibit the sale of any goods, wares, or merchandise from stores in cases of death, such as burial clothes, coffins, caskets, or other things of necessity, and by permitting restaurants, cafés, and hotels to open during certain hours, this shall not be construed to authorize them to expose for sale, sell, or offer for sale, or serve with food, any soft drinks of any kind except coffee, tea, milk, or water.

Exceptions.

Violation
misdemeanor;
penalty.

SEC. 6. Any person, firm, or corporation violating any of the provisions of the two preceding sections shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each offense.

Applications
of sections.

SEC. 7. Sections five and six shall not only apply to the town of China Grove but shall apply to any person, firm, or corporation residing within one and one-half miles of the corporate limits of said town, in any direction.

Conflicting
laws repealed.

SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 9. This act shall be in force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 69

AN ACT TO REGULATE ELECTIONS IN THE TOWN OF REIDSVILLE AND TO GIVE PRIVACY TO VOTERS WHILE PREPARING THEIR BALLOTS.

The General Assembly of North Carolina do enact:

SECTION 1. That all ballots cast in any city election held by the city of Reidsville shall, subject to the succeeding provisions hereof, be prepared, printed, and distributed in the manner hereinafter set forth, and in no other.

Ballots.

SEC. 2. That the ballot shall be prepared by the registrar and judges of election of said town and shall be printed on white paper with a stub on each ballot, and each ballot shall be numbered serially, the stub bearing the same number as the ballot and shall be prepared so that the stub may be detached from the ballot at the time the ballot is deposited in the box; that the names of all candidates shall be printed on the same ballot, said ballot showing the office for which each person is a candidate in the following order: recorder, solicitor, commissioners, and such other elective offices as may be created.

Preparation of ballot.

SEC. 3. That said ballots when prepared shall at all times, until delivered to the voter, be kept in the hands of the registrar or judges of election, and shall not be delivered to any other person, and only one ballot shall be delivered to the voter, and that at the time the voter presents himself or herself to vote, and is found to be qualified and entitled to vote. That upon the voter entering the inclosure, and being found qualified to vote, the registrar and judges shall deliver to the voter one complete ballot with the stub attached. That the voter shall then enter a booth prepared as a voting booth and shall prepare the ticket by making a cross mark opposite the candidate or candidates voted for which shall be one recorder, one solicitor and five commissioners; and likewise candidates for any other offices that may be created; that after marking said ballot the voter shall hand it to the judges who shall announce that ballot number (giving the number) is being deposited in the box; that unless the voter is challenged the stub shall be detached and deposited in a box for stubs, and the ballot placed in the ballot box. Should the ballot be mutilated or defaced by the voter in preparing same, one other ballot may be given the voter but no more, and this only upon the return of the mutilated ballot which must be preserved by the judges.

Ballots in hands of registrar.

SEC. 4. That the judges may select two impartial persons to show the voters how to prepare their ballot, who before entering upon their duties shall be sworn by the registrar to act im-

Persons to show voters how to vote.

partially, and shall show the voter only how to mark the ballot, but shall not make any suggestions as to who the voter shall mark, or in any way influence the voter in his or her selection for any office.

Place for
voting.

SEC. 5. That the judges of election shall prepare a place for voting, which shall be roped off at least twenty (20) feet from the ballot box and booth with one central entrance, and shall prepare at least two voting booths which may be enclosed by canvas with an entrance on the side facing the ballot box, with a door which may be closed when the voter enters to prepare his or her ballot, said booths shall be at least twenty (20) feet from the line of inclosure, and no person shall be allowed within the inclosure except the judges of election and the sworn assistants as herein provided, except the party voting: *Provided, however,* as many voters may be allowed inside the inclosure as there are booths; that as soon as the voter casts his or her ballot, the voter shall leave the inclosure and another voter pass in; that the judges of election shall have a bailiff at the entrance of said inclosure whose duty it shall be to see that no one enters said inclosure, except as herein provided.

Unlawful vote
any other ticket.

SEC. 6. That it shall be unlawful for any person to vote any ticket in any city election except the ticket prepared by the judges of election, and it shall be unlawful for any person to take any ticket outside of said inclosure, and no ticket shall be counted in said election except the official numbered ticket corresponding to the stub in said box of stubs; that it shall be unlawful for any judge or the registrar to permit any ticket taken out of said inclosure, or to deliver a ticket as herein prescribed to any person except as herein set out.

Appointment
registrar and
judges of
election.

SEC. 7. That it shall be the duty of the commissioners of the town of Reidsville to appoint the registrar and two judges of election at least forty (40) days prior to the date on which said election is to be held; said three appointees shall constitute the board of elections of the town of Reidsville.

Notice of
candidacy.

SEC. 8. That notice of candidacy shall be filed with the board of elections at least ten (10) days prior to the date of election, and no name not so filed shall be printed on the ballots to be voted in said election.

Election
at town hall.

SEC. 9. That said election shall be held at the town hall in the city of Reidsville, if in the judgment of the election board it affords sufficient space to carry out the provisions of this act; if not, at some central place in said town, said place to be named in the notice calling said election as now provided by law for holding regular elections in the town of Reidsville.

Hours of
polls.

SEC. 10. That the polls shall be opened on the day fixed for said election at eight o'clock a.m., and shall close at sun down.

SEC. 11. That absentee voters, or sick persons entitled to vote, who are unable to attend the polls may vote by making written application to the election boards for a ticket under the same rules and regulations as is now provided for general election: *Provided, however*, the same kind of numbered ticket shall be mailed or delivered to the absent or sick voters as herein prescribed, in a sealed envelope, marked as herein prescribed for those voting at the polls, which ballots when received shall be deposited in the box by the judges and counted as other ballots.

Absentee voters.

SEC. 12. That immediately after the close of the polls the election board shall proceed to immediately count the ballots and declare the results, and no person or persons shall enter the inclosure where the votes are being counted: *Provided, however*, the said board of elections may select two tabulators to aid in tabulating the vote, who shall first be sworn to act impartially and to faithfully discharge their duties as tabulators.

Count of ballots.

SEC. 13. That any person charged with carrying out the provisions of this act failing to do so shall be guilty of a misdemeanor, punishable by fine not exceeding fifty dollars (\$50), or imprisonment of not more than thirty (30) days.

Failure to comply misdemeanor; penalty.

SEC. 14. That the expenses of conducting the elections of the town of Reidsville, according to the terms of this act, shall be paid out of the public treasury of said town and the board of commissioners of said town shall make provision for the payment of the case.

Expenses of election.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 16. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 70

AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY, THE SAME BEING CHAPTER 68, PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen, subsection of article four of chapter sixty-eight, Private Laws of one thousand nine hundred and thirteen, be amended by striking out the words "of not less than one hundred and fifty dollars nor more than three hundred dollars," in lines eleven and twelve, and by inserting in lieu thereof the words "to be fixed by the city council."

Amendment.

Powers
revoked.

SEC. 2. That all authority, powers, duties and privileges conferred by article sixteen upon the city council, except the power to levy taxes, be and are hereby revoked; and the said authorities, powers, duties and privileges are hereby conferred upon the board of school trustees hereinafter created.

Amendment.

SEC. 3. That section two of article sixteen be amended by striking out the word "annually," in line two, and by adding the following words after the word "indicate," and before the word "Provided," in line five, "all of whom shall serve at the pleasure of board of school trustees."

Amendment.

SEC. 4. That section four of article sixteen be amended by striking out the words "board of school visitors" wherever they appear in said section and by inserting in lieu thereof the words "board of school trustees."

Sections
repealed.

SEC. 5. That sections five and six of article sixteen be and are hereby repealed.

Section amended.

SEC. 6. That section eight of article sixteen be and is hereby amended by striking out the words "city treasurer as other city funds," in line six, and the words "city treasurer," in lines eight and nine, and by inserting in lieu thereof at each place the words "treasurer for the board of school trustees."

Section amended.

SEC. 7. That section nine of article sixteen be amended by striking out the words "to the treasurer of the city of Hickory," in line eighteen, and by inserting in lieu thereof the words "treasurer for the board of school trustees."

Election school
trustees.

SEC. 8. On the first Monday in April, one thousand nine hundred and twenty-five, the qualified voters of the city of Hickory shall elect five school trustees who shall constitute the board of school trustees for the Hickory school district. One member from each of the four wards and one member from the city at large. The school trustee receiving the highest number of votes at said election shall serve during a term of five years, the school trustee receiving the second highest number of votes at said election shall serve during a term of four years; the school trustee receiving the third highest number of votes at said election shall serve during a term of three years; the school trustee receiving the fourth highest number of votes at said election shall serve during a term of two years, and the second trustee receiving the fifth highest number of votes at said election shall serve during a term of one year.

Succession.

SEC. 9. On the first Monday in April of each year after the year one thousand nine hundred and twenty-five one school trustee shall be elected by the qualified voters of the city of

Hickory to succeed the member of the board of school trustees whose term of office expires in May of that year, the member so elected to serve during a term of five years.

SEC. 10. The members of the board of school trustees shall be nominated and elected in the manner so prescribed in the charter of the city of Hickory for the nomination and election of members of the city council, and they shall take the oath of office in the manner and at the time prescribed for members of the city council.

Manner of election; oath of office.

SEC. 11. If a vacancy occur in the board of school trustees the remaining members shall elect a person to fill the vacancy until the next general or special municipal election, at which time the vacancy shall be filled for the unexpired term by the qualified voters of the city of Hickory.

In case of vacancy.

SEC. 12. Each member of the board of school trustees shall receive two dollars per meeting as compensation for services, payable monthly by the treasurer for the board: *Provided*, that no member shall receive any amount in excess of thirty dollars during any municipal year, except that this shall not apply to a member who may perform the duties of secretary and treasurer to said board.

Compensation.

SEC. 13. The board of school trustees shall hold regular meetings once a month at some regular time and place to be fixed by said board, and it may hold such adjourned and called meetings as may be necessary and convenient.

Meetings.

SEC. 14. Three members shall constitute a quorum to transact business, but two members may adjourn from day to day and compel the attendance of absent members.

Quorum.

SEC. 15. The board of school trustees shall annually elect its chairman, and he shall be the presiding officer of said body, but shall have no vote except in the case of a tie.

Chairman.

SEC. 16. The board of school trustees shall annually elect a secretary and treasurer who may be a member of the board of school trustees; and shall require the secretary and treasurer to execute a bond payable to the city of Hickory with an incorporated bonding company as surety or sureties for the faithful performance of his duties. The amount of said bond shall not be less than five thousand dollars and it may be increased or a new bond required whenever the board deem advisable. The compensation of the secretary and treasurer shall be fixed annually by the board of school trustees.

Secretary and treasurer.

SEC. 17. The board of school trustees, in the making and execution of all contracts other than those for the employment of teachers, shall be and are hereby required to observe all formalities required of the city council.

Observation of formalities.

Application
formalities.

SEC. 18. The terms, limitations and formalities required to be observed by the city council in making of contracts shall and are hereby considered as applying with equal force and effect to the board of school trustees, in the making and execution of all contracts by it other than those for the employment of teachers, such contracts, however, are to be signed by the chairman of the board of school trustees and some other member designated in a resolution by the board.

Payment of
interest school
bonds.

SEC. 19. The city council shall retain from the school taxes sufficient moneys to pay the interest upon, and to retire the principal of all school bonds heretofore or hereafter issued by the city of Hickory; and all school bonds hereafter issued shall be signed and executed by the same officers signing and executing other bonds of the city, and school bonds shall be sold and delivered by the city council.

Section
amended.

SEC. 20. That section five of article seventeen be amended by striking out the words "two dollars," in lines three and four, and by inserting in lieu thereof the words "three dollars," and by striking out the words "one dollar," in line ten, and by inserting in lieu thereof the words "two dollars."

Section
amended.

SEC. 21. That section six of article seventeen be amended by striking out the words "the city manager shall be clerk of the municipal court of the city of Hickory" and by inserting in lieu thereof the words "the city council shall annually elect a clerk of the municipal court of the city of Hickory and such clerk shall have the same power and authority to issue in his name as such clerk, warrants, or other processes, returnable before the judge of said court as that given to the judge of said court by any and all of the provisions of article seventeen."

Section
amended.

SEC. 22. That section eight of article seventeen be amended by striking out the words "and shall not exceed sixty dollars per month," in line eight, and by inserting in lieu thereof the words "to be fixed by the city council."

Conflicting
laws repealed.

SEC. 23. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 24. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 71

AN ACT TO APPOINT TRUSTEES AND FIX THE TITLE OF CERTAIN SCHOOL PROPERTY IN DISTRICT ONE OF PIGEON TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. Moore, I. P. Mann and J. E. Sentelle are hereby appointed trustees in the place and stead of Elijah Deaver, Minian Edmonston and Joseph Cathy, named as trustees and commissioners in a deed of conveyance from Elijah Deaver, dated May seventh, eighteen hundred and thirty-eight, and duly recorded in the office of the register of deeds of Haywood County in book "d," page sixty-eight (68) record of deeds of said county, the said trustees named in said deed having died.

Appointment trustees.

SEC. 2. That the said W. A. Moore, I. P. Mann and E. J. Sentelle are hereby vested with the title to said property described in said deed in fee simple, and with all the title, right and power vested in said former trustees by said former deed of conveyance, and the said trustees are hereby authorized, empowered and directed and required to convey all of said property to the county board of education of Haywood County for school purposes, except that portion of said property occupied by the Baptist Church and a small part of the land adjacent to said church, and said trustees herein named are herein directed and required to convey to the trustees of the Bethel Baptist Church a small portion of said land adjacent to said church property as in their judgment should be so conveyed.

Title to school property fixed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 72

AN ACT TO AMEND SECTIONS 23 AND 33, CHAPTER 186, PRIVATE LAWS OF 1899, RELATIVE TO THE SALARIES OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

SECTION 1. That the third sentence in section twenty-three, chapter one hundred and eighty-six, Private Laws of one thousand eight hundred and ninety-nine, be amended to read as follows: "The salary of the mayor of said city shall be one thousand dollars (\$1,000) per annum, payable in monthly install-

Amendment increasing salary of mayor to \$1,000.

ments on the warrant of the clerk of the board of aldermen, drawn on the treasurer of said city, and countersigned by the chairman of the finance committee of said board of aldermen, and that the fees heretofore paid to said mayor shall be paid to the treasurer and placed in the general fund to be used in payment of current expenses of the said city of Salisbury.”

SEC. 2. That section thirty-three of the above chapter be amended by striking out the words “twenty-five,” in line two of said section, and inserting in lieu thereof the words “one hundred.”

Amendment
increasing salary
of aldermen.

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

Conflicting
laws repealed.

SEC. 4. This act shall be in force from and after June first, one thousand nine hundred and twenty-five.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 73

AN ACT TO PREVENT THE BOARD OF TRUSTEES OR THE BOARD OF EDUCATION OF THE NEW BERN GRADED SCHOOLS CONTRACTING INDEBTEDNESS WITHOUT THE APPROVAL OF THE BOARD OF ALDERMEN OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees or the board of education of the New Bern graded schools shall not, without first obtaining the approval of the board of aldermen of said city, contract during any fiscal school year indebtedness in excess of the taxes levied for and other revenues appropriated by law to such schools during such fiscal year.

Trustees not to
contract
indebtedness
without approval
of board of
aldermen.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 74

AN ACT TO AMEND CHAPTER 108 OF THE PRIVATE LAWS OF 1909, RELATING TO THE ISSUANCE OF BONDS FOR THE IMPROVEMENT OF SIDEWALKS OF THE TOWN OF HILLSBORO, AND TO CREATE A SINKING FUND FOR THE RETIREMENT OF SAID BONDS.

Whereas, the town of Hillsboro under the powers and authority vested by chapter one hundred and eight of the Private Laws

of one thousand nine hundred and nine has issued bonds to the amount of ten thousand dollars, dated the first day of June, one thousand nine hundred and nine, and becoming due and payable on the first day of June, one thousand nine hundred and thirty-nine; and

Preamble.

Whereas, the said act makes no provision for the payment at maturity of said bonds, or for the establishment of a sinking fund: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eight of the Private Laws of one thousand nine hundred and nine be and the same is hereby amended by inserting a new section in said chapter one hundred and eight after section five, to be known as five a, which new section shall read as follows:

Chapter amendment.

"Sec. 5 a. That the town commissioners of the town of Hillsboro are hereby authorized and directed to appoint a commissioner of the sinking fund, to serve for a term of four years and until his successor in office is appointed and qualified. In the event of any vacancy in the office of said commissioner it shall be the duty of the board of town commissioners of the town of Hillsboro to fill such vacancy for such unexpired term. It shall be the duty of the board of town commissioners of the town of Hillsboro to turn over to said sinking fund commissioner all moneys now on hand and available for retirement of the bonded indebtedness of said town created under authority of said chapter one hundred and eight of the Private Laws of one thousand nine hundred and nine and in addition thereto cause to be placed to the credit of said sinking fund the sum of three hundred dollars annually from the tax revenues of said city of Hillsboro until the principal of said fund and its interest accumulations are sufficient to extinguish said bonded indebtedness. Said board of town commissioners shall require said sinking fund commissioner herein provided for to furnish bond in such amount and with such securities as may in the judgment of said board of town commissioners be deemed necessary. Said sinking fund commissioner shall have authority to receive all moneys due said sinking fund and to handle, manage, and invest said fund as is authorized by law for guardians. The accounts of said sinking fund commissioner shall be audited annually by the board of town commissioners of said town of Hillsboro. Said sinking fund commissioner shall receive as compensation one per cent of the amount of money in his hands, payable annually."

Commissioners given authority.

Duties of commissioners.

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 75

AN ACT TO AUTHORIZE W. C. ALLBRIGHT, TAX COLLECTOR FOR THE TOWN OF TROY, MONTGOMERY COUNTY, AND HIS SUCCESSORS IN OFFICE, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That W. C. Allbright, tax collector of the town of Troy, and his successors in office, be and he (and they) is (and are) hereby authorized and empowered to collect all arrears of taxes due the said town of Troy for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three, with full power to levy, distrain and sell for the collection thereof, or any part of the same, in the same manner and to the same extent as now authorized by law for the collection of taxes.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 76

AN ACT TO AUTHORIZE THE INVESTMENT OF THE SINKING FUND OF FAIR BLUFF SUPPLEMENTARY SCHOOL DISTRICT, COLUMBUS COUNTY.

Whereas, by an act of the General Assembly of North Carolina, chapter one hundred and twenty-five, Private Laws of nineteen hundred and fifteen, providing for holding a special election in Fair Bluff supplementary school district number one for white and colored races, for a bond issue of six thousand dollars (\$6,000); and whereas said election was held in accordance with said act and bonds issued for six thousand [dollars] (\$6,000) payable in thirty (30) years; and

Whereas, the sinking fund has accrued by reason of the issuing of said bonds and no provision made of said act authorizing the loan of said sinking fund; Now, therefore,

Collection of taxes authorized for years 1921, 1922, 1923.

Expiration of power December 31, 1926.

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Columbus County is hereby authorized and empowered to loan any money or moneys that may now or hereafter accumulate as sinking fund against the bonding indebtedness of said school district under such restrictions as are hereinafter set out.

Board of education authorized to lend money.

SEC. 2. That any money loaned as authorized under this act shall not be loaned for a longer period than five years and shall only be loaned on security which is approved by said board of education.

Period of loan.

SEC. 3. That in the event a mortgage or deed of trust is executed or taken as security for a loan that the same shall be a first lien on the property given as security, and the said mortgage or deed of trust shall be payable to the county board of education of Columbus County.

In event of mortgage.

SEC. 4. That all laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 77

AN ACT TO VALIDATE A BOND ISSUE OF APEX GRADED SCHOOL DISTRICT IN WAKE COUNTY.

Whereas, at a special election held in Apex graded school district in Wake County on the twenty-sixth day of August, nineteen hundred and twenty-four, on the question of issuing sixteen thousand five hundred dollars serial bonds and levying a sufficient annual tax to pay the same, in accordance with the provisions of article twenty-two of chapter one hundred thirty-six of the Public Laws of nineteen hundred and twenty-three of North Carolina, the said bonds to be issued for the purpose of erecting and equipping a school building in said district, a majority of the qualified voters of said school district voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina; Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. Said election held in said Apex graded school district on the twenty-sixth day of August, nineteen hundred and twenty-four, and the acts and proceedings done or taken in or

Acts
validated.

about the calling, holding, or determining of the result of said election, or in or about the registration of voters for said election, are hereby legalized and validated, notwithstanding any defect in said acts or proceedings.

Issuance of
bonds.

SEC. 2. Said bonds shall be issued in the name of the county of Wake and shall be made payable exclusively out of taxes to be levied in said district. They shall be issued pursuant to and in accordance with the award made by said board on the sixth day of October, nineteen hundred and twenty-four, and other proceedings heretofore taken by said board for the purpose of authorizing the issuance of said bonds pursuant to said election.

Special tax.

SEC. 3. The board of commissioners of Wake County is hereby authorized and directed to levy annually a sufficient special tax, ad valorem, on all taxable property in said school district for the purpose of paying the principal and interest of said bonds, in accordance with the provisions of said article twenty-two of said chapter one hundred thirty-six of the Public Laws of nineteen hundred and twenty-three of North Carolina and in accordance with the proposition adopted by the voters of said school district at said election; and no further election shall be necessary in order to authorize the issuance of said bonds or the levy of taxes to pay the same.

Inconsistent
acts repealed.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 78

AN ACT TO AMEND CHAPTER 185, OF THE LAWS OF 1889
ENTITLED AN ACT TO INCORPORATE THE TOWN OF
FOUR OAKS, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred and eighty-five of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended: By striking out the words "one third" after the word "exceed" and before the word "of," in line five, section five, and inserting in lieu thereof the words "two-thirds," and by striking out the word "one" after the word "and" before the word "dollar," and in line five, section five, and inserting in lieu thereof the word "two," and by adding the letter "s" to the word "dollar."

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

Conflicting laws repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 79

AN ACT TO AMEND CHAPTER 180 OF THE PRIVATE LAWS OF 1915, BEING THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the following additional territory is hereby incorporated into the corporate limits of the city of Winston-Salem, and section two of chapter one hundred and eighty of the Private Laws of North Carolina, session nineteen hundred and fifteen, being the charter of the city of Winston-Salem, is hereby amended accordingly:

Corporate limits extended.

Tract No. 1. Beginning at the point where the present corporation line intersects the east line of North Liberty Street; running thence with the east line of North Liberty Street north four degrees forty-seven minutes west seven hundred and ninety-four and eight-tenths feet to an iron stake on the north side of an alley; thence crossing North Liberty Street north eighty-four degrees two minutes west three hundred and seven and eight-tenths feet to an iron stake; thence north twenty-three degrees thirteen minutes west five hundred and forty and five tenths feet to an iron stake; thence south sixty-seven degrees fifty-five minutes eight hundred and ninety-seven feet to an iron stake in the present corporation line; thence with the present corporation line south forty-nine degrees fifteen minutes east one thousand four hundred and twenty-five feet to the center line of the Norfolk and Western Railway siding; thence with the present corporation line south seventy-nine degrees thirty-five minutes east three hundred and thirty-eight feet to the place of beginning.

Tract No. 1.

Tract No. 2. Beginning at the present northeasterly corner of corporation line, said corner being two hundred feet north of the eastern terminus of East Fourteenth Street; running thence north forty-nine degrees eight minutes east four hundred seventy-one and three-tenths feet to an iron stake on the north side of Mickey Mill Road, said iron being the southeast corner of lot number one hundred forty-three of the "Overbrook" de-

Tract No. 2.

velopment; running thence north seven degrees thirty minutes east two thousand four hundred ninety-four and three-fifths feet to an iron stake, the southeast corner of lot number ninety of the Alexander Heights development; thence north one degree ten minutes east four hundred eighty-seven and two-tenths feet to an iron on the south line of a ten foot alley, said iron being the northeast corner of lot number one hundred twenty-two of the Alexander Heights development; thence with the south line of said alley north eighty-eight degrees fifty minutes west three hundred forty feet to an iron stake, said iron being the northeast corner of lot number one hundred thirty-six of the Alexander Heights development; thence north eighty-three degrees forty-two minutes west two thousand sixty-three feet to a corner of the present corporation limits; thence with the present corporation line the following courses: south eighty-seven degrees forty-five minutes east four hundred ninety-two and five-tenths feet; south two degrees fifteen minutes west two thousand nine hundred ninety-six and five-tenths feet; south six degrees twenty minutes east four hundred eighty-two and seven-tenths feet; south eighty-nine degrees fifty minutes east one thousand two hundred twenty-nine and five-tenths feet to the place of beginning.

Tract No. 3.

Tract No. 3. Beginning at an iron stake at the intersection of the center line of Patra Street and a branch; running thence with the center line or Patra Street the present corporation line, south two degrees twenty-two minutes west two thousand one hundred fifty feet to an iron stake; thence leaving present corporation line, north fifty-four degrees twenty-two minutes east two hundred twenty-two and one-tenth feet to an iron pin in the west line of an alley; thence with said alley north two degrees twenty-two minutes east one thousand nine hundred sixty-nine and three-tenths feet to an iron pin in center line of branch; thence with said branch north seventy degrees twenty-nine minutes west one hundred eighty-three and two-tenths feet to the place of beginning.

Tract No. 4.

Tract No. 4. Beginning at an iron pin, the southeast corner of the present corporation line, and located approximately two hundred feet south of the Waughtown Road, and runs thence with the present corporation line the five following courses to an iron pin; south fifty-three degrees thirty minutes west one thousand and sixteen feet; south fifty-five degrees west three hundred and eighty and four-tenths feet; south sixty-five degrees thirty-five minutes west four hundred twenty-three and seven-tenths feet; south seventy degrees west eight hundred ninety-six feet; south seven degrees thirty minutes east one thousand four hundred and two feet; thence leaving the present corporation line the five fol-

lowing new lines marked with iron corners as follows: north eighty-five degrees twenty-five minutes east three hundred feet; north thirty-nine degrees forty-nine minutes east six hundred forty-seven and six-tenths feet; north thirty-four degrees east one thousand six hundred five and one-tenth feet; north fifty-five degrees twelve minutes east eight hundred twenty-six and seven-tenths feet; north eighteen degrees eighteen minutes west four hundred four and five-tenths feet to the place of beginning.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 80

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

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and eight of the Private Laws of one thousand nine hundred and seven be stricken out and the following be inserted in lieu thereof:

Amendment.

“Section three. That the officers of said town shall consist of a mayor, four commissioners, a tax collector and one or more police officers as the said board of commissioners of said town shall deem necessary.”

SEC. 2. That section four of said chapter be stricken out and the following inserted in lieu thereof:

“Section four. That it shall be the duty of the tax collector to receive from the commissioners of said town the tax books and to collect all the taxes levied and to perform the general duty of tax collector of said town and to make such report of the conduct of his office as shall be required by the commissioners of said town.”

Amendment.

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

“Section five. The police officer or officers shall have rights and authority and duties generally vested in and required of police officers of cities and towns and shall make arrests of any person or persons charged with violating any laws governing said town or any of its ordinances, who shall commit any crime within the limits of said town and in addition thereto are hereby vested with the right or authority to pursue for a distance of five miles outside of said town any person charged with committing a crime within said town; any police officer or officers of

said town shall have the right and authority in the case of a riot or threatened disaster or for the purpose of making arrests to depute any citizen to assist in the enforcement of the law and in the prevention of the violation of the same."

Section amended.

SEC. 4. That section six of said chapter be amended by striking out the period at the end thereof and adding the words "and amendments thereto. Except that the registrars and poll-holders necessary to conduct such election shall be appointed by the board of commissioners of said town."

Conflicting laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 81

AN ACT TO AUTHORIZE THE TOWN OF ANDREWS TO ISSUE BONDS TO COMPLETE ITS ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. The board of aldermen of the town of Andrews may, by ordinance or resolution, issue bonds of the town to an amount not exceeding fifty thousand dollars (\$50,000), for the purpose of completing its electric light plant. The said bonds shall bear interest at such rate not exceeding six per cent per annum, payable semiannually, and shall be payable at such time or times not exceeding thirty years from their respective dates and be sold in such manner and for such price, not less than par and accrued interest, as the board of aldermen may determine.

Rate of interest; sale, etc.

Ad valorem tax.

SEC. 2. For the purpose of paying the principal and interest of the said bonds as such principal and interest become due, the board of aldermen of the said town shall annually levy and collect a sufficient tax ad valorem upon all the taxable property in the said town.

Additional powers.

SEC. 3. The powers conferred by this act are in addition to and not in substitution of the powers conferred by any other acts, either general, special, local or private, and the power to issue the bonds mentioned in this act shall not be affected by any condition, limitation or restriction contained in any other act, general, special or local, including acts passed at the present session of the General Assembly, and particularly, shall not be affected by any of the conditions or restrictions contained in

the Municipal Finance Act as the same now exists or may be reënacted or passed at the present session of the General Assembly.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 82

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN BY ENLARGING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-five of the Private Laws of North Carolina of nineteen hundred and five, being an act ratified the first day of March, nineteen hundred and five, be and the same is hereby amended by striking out from section one thereof the words "beginning one-half mile," in line two thereof, to and including the word "indicated," in line six thereof, and inserting in lieu thereof the following words: Amendment.

Beginning at the center of the Atlantic Coast Line Railroad right-of-way, it being the center of the western main line railroad track at a point four thousand two hundred and fifteen feet northwardly from its intersection with the center of Broad Street in the town of Dunn, and runs thence perpendicular to said railroad right-of-way north fifty-two degrees west two thousand four hundred and ninety-one feet to the western margin of North Primitive Avenue extended; thence southwardly with said western margin of Primitive Avenue extended to the north margin of Cleveland Street extended; thence westwardly with said margin of Cleveland Street extended to a point four thousand and four hundred feet westwardly from the middle of the Atlantic Coast Line Railroad right-of-way; thence southwardly parallel with said right-of-way in the south margin of Pope Street extended; thence with said margin of Pope Street eastwardly to the western margin of Primitive Avenue; thence with said margin of Primitive Avenue southwardly to a point four thousand two hundred and fifteen feet southward from Broad Street extended as said Broad Street is located within the present limits of the town; thence eastwardly parallel with the first line crossing the Atlantic Coast Line Railroad at a point four thousand Corporate limits extended.

two hundred and fifteen feet from its intersection with Broad Street to the east margin of Pine Avenue extended (Pine Avenue being a street not officially adopted lying parallel with Wilmington Avenue and three hundred feet east of same); thence northwardly with said margin of Pine Avenue to its intersection with the south margin of Pope Street extended; thence eastwardly with said margin of Pope Street extended to a point four thousand and four hundred feet from the intersection of Pope Street with the center of the Atlantic Coast Line right-of-way; thence parallel with Atlantic Coast Line right-of-way northwardly to the north margin of Cleveland Street extended; thence with said Cleveland Street extended westwardly to its intersection with east margin of Pine Avenue; thence northwardly with said margin of said avenue to its intersection with the first line extended eastwardly; thence with said line to its intersection with Atlantic Coast Line Railroad right-of-way, the last line and the first line being one continuous line.

Application
of laws.

SEC. 2. That all laws and clauses of laws applicable to the town of Dunn as contained within the corporate boundaries heretofore existing shall be applicable to the town of Dunn 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 the town of Dunn and each amendment and each reënactment of said charter.

Conflicting
laws repealed.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 83

AN ACT AUTHORIZING THE BOARD OF GRADED SCHOOL TRUSTEES OF ROCKY MOUNT TO ISSUE BONDS OF THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO THE AMOUNT OF THREE HUNDRED AND FIFTY THOUSAND DOLLARS FOR THE ERECTION AND EQUIPMENT OF A HIGH SCHOOL BUILDING AND OF OTHERWISE ENLARGING THE PUBLIC SCHOOL FACILITIES OF SAID SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of graded school trustees of Rocky Mount shall be and it is hereby authorized and empowered to issue negotiable coupon bonds of the Rocky Mount graded school district (lying in the counties of Nash and Edgecombe and having boundaries coterminous with those of the city of Rocky Mount) in the maximum aggregate principal amount of three hundred and fifty thousand dollars (\$350,000) for the purpose of erecting and equipping a new high school building or making other adequate provision for the accommodation of the Rocky Mount high school; of erecting and equipping an additional grammar school building; and of otherwise enlarging the school facilities of said school district.

Bond issue authorized.

Purpose of bond issue.

SEC. 2. That said bonds shall mature serially at such times, not exceeding fifty years from the date of issuance, and shall be payable, both principal and interest, at such place or places, as the board of graded school trustees of Rocky Mount shall, by resolution, fix and determine; shall bear interest from date of issue at a rate not greater than six per cent (6%) per annum, payable semiannually; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and the interest coupons attached to said bonds shall bear the lithographed facsimile signatures of said chairman and secretary. Said bonds shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution determine and prescribe.

Maturity; payment; rate of interest; signature.

SEC. 3. That the board of graded school trustees of Rocky Mount may, by resolution, provide for the registration of said bonds in like manner as is provided for the registration of municipal bonds by section two thousand nine hundred and fifty-five of the Consolidated Statutes of North Carolina of

Registration of bonds.

nineteen hundred and nineteen, as amended and reenacted. In all matters relating to the registration of the bonds herein authorized to be issued, the said board of trustees and the treasurer of the city of Rocky Mount, as ex officio treasurer of said board of trustees, shall be clothed with every power with respect to the registration of bonds conferred upon the governing bodies and the financial officers of cities and towns by said section of the Consolidated Statutes, as amended and reenacted, and shall, except as herein otherwise provided, exercise the same in like manner.

Trustees
given
authority.

Faith pledged.

SEC. 4. That the full faith and credit of said school district shall be deemed to be pledged to the punctual payment of the principal and interest of every bond and note issued under this act; and in order to provide moneys for the payment of the same the board of aldermen of the city of Rocky Mount shall, at the time of levying municipal taxes for the fiscal year commencing on the first day of June next succeeding the approval of the provisions of this act with respect to the issuance of bonds and the levying of taxes for the payment thereof at an election to be called and held as hereinafter provided, and annually thereafter so long as necessary for the purpose aforesaid, lay and levy an ad valorem tax upon all property in said school district and city upon which an ad valorem tax is or may be levied for municipal purposes: *Provided, however,* that, in levying taxes as aforesaid, the said board of aldermen shall take into consideration the amount of other moneys appropriated and actually available for the above-mentioned purpose. And the powers herein conferred upon the said board of aldermen with respect to the levy of taxes shall not be subject to any limitation prescribed by law as to rate or amount, in so far as the same shall be necessary for the payment of the principal and interest of such bonds and notes, in accordance with the terms thereof and as in this act provided.

Ad valorem tax.

Submitted to
voters.

SEC. 5. That the provisions of this act with respect to the issuance of bonds and the levy of taxes for the payment of the principal of said bonds and of the interest thereon as hereinbefore set out shall be submitted to the qualified voters of the said school district and city for approval or disapproval at an election to be ordered by the board of aldermen of the city of Rocky Mount at any time within two years after the ratification of this act. At the time of ordering said election the said board of aldermen shall likewise order a new registration of the voters of said school district and city, under and in accordance with the provisions of section five thousand nine

New
registration.

hundred and forty-seven of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended by chapter one hundred and eleven of the Public Laws of nineteen hundred and twenty-three. Said election shall be held in like manner as regular municipal elections for the selection of mayor and aldermen of the city of Rocky Mount are held; and, except as herein otherwise provided, the laws governing such regular municipal elections in said city shall apply thereto. Notice of said election shall be given by advertisement in some newspaper published or circulating in the city of Rocky Mount, at least once a week for four successive weeks preceding said election, which notice shall state when and where said election is to be held, and that a new registration of the voters of the several wards and voting precincts of said school district and city has been ordered, and shall recite fully or in substance the provisions of the first, second, third, and fourth sections of this act.

Manner of election.

Notice of election.

SEC. 6. That the caption or other statement of the nature of this act shall be printed on the ballots to be voted in said election, below which shall be printed on two separate lines the words "For school bonds" and "Against school bonds," respectively, with a square inclosed in ruled lines at the left of each of said two lines. At the top of such ballot shall be printed the following words: "Notice to voters: For a vote for the issuance of school bonds pursuant to the provisions of the act of the General Assembly mentioned below make an X mark in the square opposite the words 'For school bonds.' For a negative vote make a similar mark in the square opposite the words 'Against school bonds.'" Every ballot containing an X mark in the square opposite the words "For school bonds" cast in said election shall be counted as a vote for the issuance of bonds and the levy of taxes as provided in this act, and every ballot containing a similar mark in the square opposite the words "Against school bonds" cast in said election shall be counted as a vote against the issuance of bonds and the levy of taxes as aforesaid.

Ballots.

SEC. 7. That in making their returns of the result of said election the registrars and judges of election holding said election in the several wards and voting precincts of said school district and city shall incorporate therein not only the number of votes cast in their respective wards and voting precincts for and against the issuance of bonds and the levy of taxes as aforesaid, but shall likewise incorporate therein the number of electors qualified to vote in said election, as shown

Duties of judges of election.

by the registration books of their respective wards and voting precincts.

Canvass of
votes.

SEC. 8. That the board of canvassers of the city of Rocky Mount shall, in like manner as is provided by law for the determination of the result of the regular municipal elections for the selection of mayor and aldermen of said city, canvass the votes cast in the several wards and voting precincts of said school district and city in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election. Said board of canvassers shall likewise prepare an abstract summarizing the result of said election, therein tabulating the number of votes cast for and against the issuance of bonds and the levy of taxes as provided in this act, and the number of electors qualified to vote in said election. And the said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount, who shall record the same in the proper book of records and file the original. No right of action or defense based upon the invalidity of said election, shall be asserted, nor shall the validity of said election be open to question upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the determination of the result of said election as hereinbefore provided.

Vote for issue.

SEC. 9. That should a majority of the qualified voters of said school district and city vote in said election for the issuance of bonds and the levy of taxes as hereinbefore provided, then, and in that event, the board of graded school trustees of Rocky Mount may, within the limit of the authorized maximum amount thereof, issue said bonds, at such time or times, and negotiate the sale thereof, at not less than par, in such manner, and upon such terms, as said board of trustees shall, by resolution, determine and prescribe.

Trustees
authorized
borrow
money.

SEC. 10. That pending the issuance and sale of said bonds the board of graded school trustees of Rocky Mount may, in anticipation of the receipt of the proceeds of such sale, and within the limit of the face value of the authorized maximum amount of said bonds, borrow money for the purpose for which said bonds are to be issued. All moneys thus borrowed shall be evidenced by sealed notes or interim bonds of the Rocky Mount graded school district, which shall be payable not later than five years after the ratification of this act, and may be renewed from time to time; all such renewals to be payable within the time limit above set out. Said notes or interim bonds shall bear interest at such rate as the said board of

Rate of interest
of interim
bonds.

trustees shall, by resolution, fix and determine; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe. All notes or interim bonds issued and negotiated in pursuance hereof shall be payable out of the moneys arising from the sale of bonds to be issued in pursuance of the provisions of the first section of this act, or from taxes levied and collected as hereinbefore provided.

SEC. 11. That all moneys realized from the negotiation and sale of said bonds and other evidences of indebtedness as aforesaid shall be covered into the treasury of the board of graded school trustees of Rocky Mount; and the treasurer of said board shall keep the same separate and apart from all other moneys in his hands. Said moneys shall be expended only for the purposes hereinbefore set out, and shall be disbursed upon the warrant of said board of trustees, signed by its secretary and countersigned by its chairman.

Deposit of
proceeds.

SEC. 12. That all taxes levied in pursuance of the provisions of this act shall be collected by the tax collector of the city of Rocky Mount, as municipal taxes are collected, and shall be, by the said tax collector, paid over to the treasurer of said city as ex officio treasurer of the board of graded school trustees of Rocky Mount. The moneys thus collected shall be expended only in the payment of the principal and interest of said bonds and other indebtedness incurred as hereinbefore provided, and shall be disbursed upon the warrant of the said board of trustees as is herein provided for the disbursement of other school funds.

Collection
of tax.

SEC. 13. That all bonds and other evidence of indebtedness negotiated and sold by the board of graded school trustees of Rocky Mount and reciting that they are issued in pursuance of this act shall, in any action or proceeding involving their validity, be conclusively presumed to be fully authorized by this act, and to have been executed, issued, negotiated, sold, and delivered in conformity with its provisions, and with the provisions of all other statutes applicable thereto, and shall be incontestable after their negotiation or sale, unless the action or proceeding in which their validity is contested shall have been begun prior to the sale and delivery thereof.

Bond issues
authorized.

SEC. 14. That should a majority of the qualified voters of said school district and city not vote for the issuance of bonds and the levy of taxes pursuant to the provisions of this act

Vote against
bond issue.

in the election to be ordered and held as hereinbefore provided, then, and in that event, the board of aldermen of the city of Rocky Mount may, upon request of the board of graded school trustees of Rocky Mount, thereafter, and as often as shall be deemed advisable, not more than once in any one calendar year, order another election or other elections, as shall be deemed necessary or proper, at which the matter of the issuance of bonds and the levy of taxes pursuant to the provisions of this act shall be again submitted to the qualified voters of said school district and city for approval or disapproval. And should a majority of the qualified voters of said school district and city vote for the issuance of bonds and the levy of taxes as aforesaid in any election thus called and held, such vote of approval shall be of like force and effect as if recorded in the election first called and held as hereinbefore provided. All the provisions of this act relating to the elections shall apply to all such elections authorized to be ordered and held hereunder.

Additional
powers.

SEC. 15. That the powers granted by this act are granted in addition to, and not in substitution for, the existing powers of the board of graded school trustees of Rocky Mount, and are not subject to any debt limitation or other limitation or restriction prescribed by any other law.

Other
questions.

SEC. 16. That nothing contained in this act shall be construed to prohibit the board of aldermen of the city of Rocky Mount from submitting to the qualified voters of said city at any election to be ordered and held hereunder any other matter or question upon which a referendum vote of the qualified electors of said city is, by law, required or authorized to be had under substantially similar conditions, nor from ordering any election herein provided for to be held at the time of holding any regular municipal election for the selection of a mayor and aldermen.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 84

AN ACT TO AMEND CHAPTER 115 OF PRIVATE LAWS OF 1899 AND ACTS AMENDATORY THERETO, RELATING TO CHARTER FOR TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out all of said section two thereof, including the subsection there under, and all amendments thereto, and inserting in lieu thereof the following:

"Section two. That the corporate limits of the said town shall be as follows: Beginning at a point on the southern bank of Tar River, the northeastern corner of the C. T. Munford property and the northwestern corner of the F. V. Johnston property and running thence southwardly, the dividing line between said Munford and Johnston properties to a point one hundred and fifty feet north of the northern line of Pine Street in the F. V. Johnston subdivision; thence parallel with Pine Street S. 55 30 E. about five hundred and seventy feet to an iron stake in the western line of Rotary Avenue; thence with the western line of Rotary Avenue S. 34 20 W. two hundred feet to an iron stake in the southern line of Pine Street; thence with the southern line of Pine Street extended, S. 55 30 E. seven hundred and fifty feet to a stake; thence parallel with Rotary Avenue S. 34 20 W. to the old road; thence with the southern side of said road and in an easterly direction about six hundred and ten feet to a ditch; thence with the ditch S. 21 W. to the southern side of Fifth Street extended; thence S. 57 E. one hundred and three feet to the northeastern corner of the East Carolina Teachers' College campus; thence with the various courses of the East Carolina Teachers' College property and so as to include all of same, to a point where said college line intersects the western line of Anderson Street extended, of the Forbes and Gilbert subdivision; thence with the western line of said Anderson Street extended S. 15 30 W. to the northern line of Eleventh Street; thence with the northern line of Eleventh Street west, to the eastern line of Lawrence Street; thence with the eastern line of Lawrence Street extended, in a straight line S. 15 30 W. to the southern edge of the right-of-way of the Norfolk Southern Railway, at a point one hundred and twenty-seven feet east of the western end of the Norfolk Southern trestle over the Cox Mill road; thence

Amendment.

Corporate limits changed.

with the southern edge of the Norfolk Southern right-of-way westwardly about four thousand eight hundred and twenty-five feet to a point where a line one hundred and fifty feet from the western side of Watauga Avenue and parallel with said avenue would intersect the said line of said right-of-way; thence with said line parallel with said Watauga Avenue and one hundred and fifty feet therefrom, N. 29 30 W. to the southern line of Myrtle Street; thence with the southern line of said Myrtle Street two hundred feet to the eastern line of Watauga Avenue; thence with the eastern line of Watauga Avenue to the southern line of Spruce Street; thence with the southern line of Spruce Street to the eastern line of Raleigh Avenue, thence with the eastern line of Raleigh Avenue to the Jim Moore property, thence northwardly with the Jim Moore property to a point in the southern line of Fifth Street extended, thence across said Fifth Street at right angles to same to the northern side thereof; thence with the northern line of Fifth Street extended, S. 87 50 W. to a point on the side of said Fifth Street extended four hundred and seventy-one feet west of the eastern side of Hudson Street; thence N. 10 30 E. parallel with Cadillac Street and one hundred and fifty feet west of same, to the southern bank of Tar River; thence with the southern bank of Tar River eastwardly to the beginning."

Amendment.

SEC. 2. That section four of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out the word "June" wherever it occurs in said section and inserting in lieu thereof the word "May."

Section
obsolete.

SEC. 3. That section twenty-two of chapter one hundred fifteen of Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out said section as obsolete.

Amendment.

SEC. 4. That section twenty-three of chapter one hundred fifteen of Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out said section as obsolete.

Amendment.

SEC. 5. That section twenty-three of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina be amended by striking out all of said section and all amendments thereto, and inserting in lieu thereof the following:

"Section 33. That for the purpose of selecting a mayor and members of the board of aldermen of said town, there shall be held on the first Monday in May of each year a nonpartisan election, subject to the general rules and regulations governing

the State primary for the selection of county candidates not inconsistent herewith; and that for said purpose, thirty days prior to any election held hereunder, the board of aldermen shall appoint one registrar to conduct the registration and hold said election which shall be held at only one voting place in said town, to wit: The county courthouse, and the said pollholders shall assist the said registrar in holding said election at said place; that the registration books for said election shall be kept open at some convenient place or places, in the discretion of said registrar, for twenty consecutive days, Sunday excluded, and shall close for registration at sundown on the Saturday next preceding the Monday on which said primary is to be held, and for the purpose of keeping separate the registration of each ward of said town, the registrar shall provide and maintain five registration books numbered and designated to correspond to the respective wards of said town: That no person shall be allowed to register or vote in said election unless he be a qualified voter under the laws of the State and a bona fide resident of two months duration of the ward in which he offers to vote, and that all such qualified voters shall be entitled a vote for the candidates for mayor and their ballots shall be deposited by the registrar and pollholders in one poll box upon which there shall be plainly marked the words "For mayor" but that candidates for aldermen from the respective wards shall be voted for only by the qualified voters of their respective wards, as registered, as herein provided for, and their ballots shall be deposited in the respective poll box maintained for each ward and upon which shall be plainly marked the number of designation of the ward; that all candidates for mayor for said town shall register their candidacy with the clerk of said town at least ten days prior to the first Monday in May during each year in which a mayor is to be elected, and shall deposit with said clerk a registration fee of ten dollars (\$10) therefor; and that all candidates for aldermen of said town shall register their candidacy, designating the ward from which the candidate offers himself, with clerk of said town at least five days prior to the first Monday in May in those years in which it is required that they shall respectively be elected, and shall deposit with the said town clerk, the sum of one dollar (\$1) as a registration fee therefor, and that after the close of said time for the registration of said candidates, the clerk of the said town shall proceed to have tickets printed, upon which there shall appear on one ticket the names of all candidates for mayor and on separate tickets the names of all candidates for aldermen in their respective wards, and said

Concerning
elections.

Registration fee.

tickets shall contain sufficient explanatory matter to designate the purpose thereof; that returns of said election shall be made by the registrar and at least one pollholder from each ward, to the board of aldermen, who in meeting assembled shall declare the result and publish the same, and that no other election for the selection of said officials of said town shall be necessary, except in cases where no candidate for an office receives a majority of the votes cast, in which event the candidate receiving the next highest number of votes cast may demand a second primary by filing written notice of same with the city clerk within five days after the first Monday in May, whereupon the city clerk shall immediately call a second primary which shall be held on the third Monday in May following the first primary and shall be conducted under the same rules and regulations governing the holding of the first primary hereinbefore set out, provided that no general or special law regulating municipal elections shall be applicable to the town of Greenville, but that all elections shall be held and conducted according to the stipulations herein contained, and that all general and special elections called in said town for any other purpose shall also be held and conducted in accordance herewith and the general laws governing same not inconsistent herewith."

Second
primary.

Conflicting
laws repealed.

SEC. 6. That all laws and clauses of laws heretofore passed, either chartering or amending the charter of the town of Greenville, inconsistent with this act are hereby repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 85

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever, in the judgment of the governing board, known as the city council of the city of Reidsville, it appears desirable and for the best interest of the said city to enlarge or extend the corporate limits thereof, and it also appears to said city council that such extension is for the best interest of the citizens of the territory proposed to be annexed, then the said city council may call an election to determine whether or not such territory shall be annexed to said city.

Corporate
limits
extended.

SEC. 2. That such election shall be called an ordinance, which ordinance shall be introduced at least one week before its final passage, and when called up one week after its introduction may then be amended and adopted, or it may be amended and adopted at any subsequent meeting. Said ordinance shall (a) describe with reasonable certainty 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 the territory proposed to be annexed voting together; (c) Provide for a new or special registration of voters for said election; (d) Designate the precincts and voting places for such election; (e) Name the registrars and judges of election; (f) Make all necessary provision for the holding and conducting of such election, the canvassing of the returns and the declaration of the result. Said ordinance shall be published in a newspaper published in said city once a week for four weeks prior to said election.

Election called ordinance.

Vote of people.

New registration.

Name precincts.

Name registrars.

Provisions of election.

Notice of ordinance.

SEC. 3. That at any such election those voters who favor extending the corporate limits as provided by the ordinance calling said election 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 "Against extension." If at any such election a majority of the qualified voters shall be for extension, then from and after the date of such election the territory described in the ordinance calling such election shall be a part of the corporate limits of said city; and such territory and its citizens and property shall be subject to all laws, ordinances and regulations in force in said city, and shall also be entitled to the same privileges and benefits as other parts of said city.

In favor extension.

Those opposed extension.

SEC. 4. Then when twenty-five per cent of the qualified voters of any territory adjacent to the said city of Reidsville shall petition the city council of said city to call an election to determine whether or not the territory in which the petitioners live, which territory shall be described in the petition shall be annexed to said city, it shall be the duty of the city council to call an election as provided in this act: *Provided, however,* that said city council may in its discretion refuse to call an election if the territory described in the petition is less than one-fourth of a square mile in area.

Duty city council.

SEC. 5. That if said city limits are extended as in this act, provided there shall be levied and collected in the territory annexed to said city, the same tax for all purposes that is collected in the old limits of said city.

Tax levy.

Conflicting laws repealed.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 86

AN ACT TO INCORPORATE THE TOWN OF CROSSNORE, AVERY COUNTY, FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

Crossnore incorporated.

SECTION 1. That the town of Crossnore, Avery County, be and the same is hereby incorporated in the name and style of "Crossnore," and under and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property both real and personal for the use of the town as its governing board may deem necessary and expedient.

Corporate limits.

SEC. 2. That the corporate limits of said town of Crossnore shall be as follows, viz.: A circle with a radius of three-eighths of a mile, centering on the State highway bridge over Crossnore Creek.

Town officers.

SEC. 3. That the officers of said town shall be a mayor and five aldermen who shall be styled "the board of aldermen of Crossnore."

Appointments.

M. S. Wise, of Crossnore, N. C., is hereby appointed mayor of said town and E. H. Sloop, S. H. Franklin, Charles Vance, Thomas P. Dellinger and Mack Dellinger are hereby appointed aldermen of said town who shall serve until the first Tuesday in March, one thousand nine hundred and twenty-seven, or until their successors are qualified, and thereupon, and biennially thereafter, the qualified voters of said town shall elect a mayor and the five aldermen provided for. The said board of aldermen shall cause to be posted notices of said election at least thirty days before the date of said election and said election shall be conducted, returns made as municipal officers generally are elected.

Aldermen given authority.

SEC. 4. The board of aldermen shall have authority to pass all ordinances they deem necessary for the good government, quiet, peace and safety of the town not inconsistent with the Constitution and law of North Carolina and the United States.

Collection of taxes.

SEC. 5. The board of aldermen shall have authority to assess and collect annually taxes for municipal purposes on all taxable real and personal property and polls within the corporate limits under such rules and regulations as they may adopt: *Pro-*

vided, that no taxes shall be levied for a period of five years from the date of the ratification of this act: *Provided further*, that before any tax levies made by said board shall become valid they shall be approved by a majority of the voters of said town voting at an election held for that purpose or voting at a general election in which said issue is submitted.

SEC. 6. Every resident of the town of Crossnore shall have the right to vote for the office of mayor and for the members of the board of aldermen and at all town elections provided said persons otherwise meet the requirements for voting under the laws of North Carolina.

Vote for mayor.

SEC. 7. That the mayor of said town within the corporate limits thereof shall have and exercise the same jurisdiction and powers which are or may hereafter be conferred upon such officers governing cities and towns; and the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights, and powers now or hereafter conferred by law upon constables, including the authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of said constable or marshal.

Jurisdiction
of mayor.

SEC. 8. That the town constable or marshal shall be a resident of said town and a qualified voter thereof who shall be appointed for a term of two years by the board of aldermen and at such compensation as they may determine and who shall hold office until his successor duly qualifies. Said marshal shall collect and pay over to the treasurer all taxes imposed by the board of aldermen, all fines, and costs when execution is issued to him for that purpose, and return the same in due time to the town clerk.

Town
constable.

He shall see that the town ordinances are enforced and report all breaches thereof to the mayor. He shall preserve the peace of the town, suppress all disturbances in his presence, apprehending offenders and taking them before the mayor. He shall execute all processes directed to him by the mayor within the limits of said town and make out return thereof and in the execution of any criminal process he may call to his aid such assistance as he may deem necessary. Whenever the board of aldermen deem necessary, they may appoint such additional number of constables as they see proper. He shall have the same fees for his services as are now allowed the sheriff for similar services and such additional compensation as the board may allow: *Provided*, that the board of aldermen may compensate such marshal or constable by salary entirely, then the fees so collected shall be turned over to the town treasurer. The town treasurer shall act as clerk to the board of aldermen and of the mayor's court. He shall keep the

Duties.

Fees.

Proviso: in
case of salary.

minutes of all trials brought before the mayor, of all fines imposed, preserve the papers and all articles committed to his charge, and upon the expiration of his term, shall turn over to his successor in office, all books, papers and other town property committed to his care. For his services he shall receive such payment as the board of aldermen may allow.

Custodian town
moneys.

SEC. 9. The town treasurer shall act as custodian of all town moneys, keep a strict account of all moneys coming into his hands from all sources belonging to said town and disburse the same on the order of the board of aldermen signed by the mayor. Before entering upon the duties of his office he shall enter into a bond with the said town conditioned upon the faithful performance in such amount and with sureties to be approved by the board of aldermen and for any violation thereof the board shall institute suit in the name of the town upon the relation of the State of North Carolina.

Mayor's court.

SEC. 10. There shall be a mayor's court which shall be presided over by the mayor and he shall have power to commit an offender, who is sentenced to imprisonment for a misdemeanor or for a violation of the town ordinances or under statute laws or for contempt of the mayor's court or upon failure to pay fine or cost, to the common jail of the county and the sheriff or jailer shall receive such persons as are committed by the mayor and shall charge the same fees as in the case of other prisoners; or the mayor shall have power under such rules and regulations as the board of aldermen may adopt to require any persons who fail to pay a fine or cost to work on the streets of the town until such fine and costs are paid.

Oath of
office.

SEC. 11. That the mayor and each of the aldermen before entering upon the duties of his office shall, before a justice of the peace or other person qualified to administer oaths, take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to the law and to the best of his ability.

Meetings.

SEC. 12. The mayor when present shall preside at the meetings of the board of aldermen but shall not be entitled to vote on any question except in case of a tie. In the absence of the mayor, the board of aldermen may appoint one of their members mayor pro tempore. The board shall have power to fill vacancies which may occur in the board or in the office of mayor for any unexpired term.

Mayor to be
purchasing
agent.

SEC. 13. The mayor shall be the purchasing agent of the board of aldermen and all property, supplies and materials of whatsoever kind shall upon the order of the board be purchased by him and when so purchased all bills therefor shall be sub-

mitted to and approved by the board and before warrants therefor are issued they shall be countersigned by the mayor. He shall cause to be collected all taxes, and license taxes levied by the board. He shall have charge of and supervision over all accounts kept by the town or any officer of the town and he shall act for the board of aldermen, audit or cause to be audited annually if he deem necessary the accounts of every officer or employee of the town receiving or disbursing town moneys. He may cause to be published annually statements showing the financial condition of the town. He shall do and perform any and all services ordered by the board not expressly conferred upon some other officer. He shall have authority over and charge of all public works. He shall have charge of the construction, cleansing and repair of streets and public places, the erection of buildings for the town, construction of paving, curbing, sidewalks, bridges and other repair. He shall approve all estimates of the town engineer for the cost of public works and make recommendations to the board concerning the same. He shall have control, management and direction of all public grounds, the control of the location of street car tracks, telephones and telegraph wires and like public utilities. He shall have charge and general direction of the police subject to the supervision and control of the board of aldermen and shall have power to temporarily suspend the head of the police force and to give direction to police employees. He shall be charged with the duty of enforcing the ordinances of the town. He shall have supervision and control over the lighting system of the town and perform such other duties as the board of aldermen may direct.

Other duties.

SEC. 14. All candidates to be voted for at all general municipal elections at which time a mayor and five aldermen are to be elected shall be nominated by a primary election and no other names shall be placed upon the general ballot except those nominated in such primary in the manner prescribed by law. All primaries and general elections shall be held at the voting precincts established by the board of aldermen. Said primary election and said general election shall be held under such laws as are now in force or may hereafter be enacted in relation to said primary elections. All candidates to be nominated or elected under this act shall be nominated and elected by the electors of said town at large. If at such primary or general election any candidate shall receive a majority of the votes cast then they shall be declared elected.

Nominations.

Elections.

SEC. 15. The board of aldermen is hereby constituted a board of health for the town of Crossnore and shall have authority to adopt rules and regulations by ordinances governing the health of the town.

Board of health.

Unconstitu-
tional.

SEC. 16. That if any section, clause, phrase or part of this act is found to be unconstitutional it shall not in any way invalidate the remainder of this act.

Conflicting
laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 18. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 87

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

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section thirteen of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, as amended by section two of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen, be and the same is hereby amended so as to read as follows:

"Whenever as many as fifty per cent of the owners of land abutting on any street or streets or section thereof within the corporate limits of the city of Hendersonville, or the owners of as much as fifty-five per cent of the land abutting thereon, shall petition the board of commissioners, of the city of Hendersonville, in writing, to pave such street or streets, or section thereof, it shall be the duty of the commissioners to grant such petition, and to order such paving to be made, and to see that it is made, and to charge the entire cost thereof, together with the cost of gutters, curb, grading, and all other incidental expenses, to the abutting landowners on each side of said street, proportionately, according to their respective frontage, except the street intersections, which shall be paved at the expense of the city; and the amount to be so paid by each abutting landowner shall constitute a lien on the land until paid, and the city may prescribe at what time and in what installments said amount shall be paid: *Provided, however,* that the installments shall not extend over a period of more than ten years, and all installments shall draw interest at six per cent per annum from the time the work is completed and approved: *Provided, however,* that any landowner fail to pay any of the installments as the same become due, and in accordance with the terms thereof, the city shall have the right to declare all of the re-

Proviso: period
of installments.

maining unpaid installments due and payable. No such petition shall be granted, however, except where the proposed paving is to be in continuation of or adjacent to paving which shall then be already done. The city shall have full power and authority to designate the width, character, material, and other specifications of the paving and shall see that the paving is proceeded with as soon as practicable. The city shall keep a separate account of all of the assessments, and the collections of the same, against the abutting landowners, and to apply the said assessments to the payment of the principal and interest of bonds issued to make said improvements, as hereinafter provided for.

City to have authority.

SEC. 2. That in order to provide funds with which to defray the expenses of paving and improving the streets as provided for in section one, the commissioners of the city of Hendersonville are hereby authorized and empowered to issue negotiable coupon bonds of the said city of Hendersonville in an amount sufficient for said purpose. The said bonds when issued shall constitute the full and direct obligations of the city of Hendersonville, and the commissioners of said city are hereby authorized and empowered to levy and collect annually a special tax sufficient to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay the principal of said bonds. The said bonds shall be issued pursuant to chapter one hundred and six, Public Laws, extra session, one thousand nine hundred and twenty-one, and the acts amendatory thereto, except that the limitation of indebtedness contained in said act shall not be applicable to any bonds issued by the city of Hendersonville to pave the streets of said city as provided in this act; and *provided further*, that the said bonds may be sold by the commissioners of said city in such manner, and upon such terms, as they may prescribe, except that the said bonds shall not be disposed of at less than par and accrued interest.

Expenses of street improvements.

Bond issue authorized.

Special tax.

SEC. 3. The board of commissioners of the city of Hendersonville shall have full power and authority to definitely establish and locate any or all of the streets, roads, or public alleys of said city, or such as may be hereafter laid out; and for that purpose may employ an engineer to locate the same in all, or in any designated section or sections of the city, and to mark the corners of the street intersections by appropriate markers so as to make the location permanent. Whenever such location shall be made and approved by the board of commissioners, the board may cause a map or maps showing the same to be filed with the clerk of the board, and may give notice of the same by publishing a notice once a week for four weeks in a newspaper pub-

Commissioners to locate streets.

Notice.

lished in the city of Hendersonville, stating in such notice that the street lines in a certain designated portion or portions of the city have been finally and permanently located, and that a map or maps showing the same is on file with the city clerk for the inspection of the public and of all persons interested, and notifying all persons that claims for damages on account thereof must be filed with the city clerk on or before a day certain, to be named in said notice, which shall not be less than sixty days from the date of the first publication of notice. Any person failing to file claim for damage by the time named in said notice shall be forever barred from asserting any claim against the city on account of such location. Any abutting landowner who shall object to the location so made shall, within the time limited, permit his or her claim in detail, and if the city and such claimant cannot agree upon a settlement the matter shall be heard and passed upon by three disinterested appraisers, who shall be freeholders of the city of Hendersonville, to be appointed by the city. The said appraisers shall proceed to hear and determine all matters in controversy as provided in case of condemnation of land by section five of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, and the procedure and appeal, if any, shall be as prescribed in that section: *Provided, however*, that in passing upon and determining the claim of any property owner, the appraisers shall take into consideration the benefits, if any, accruing to the said property, as well as the damage, if any, which he may sustain.

Condemnation
of land.

SEC. 4. That the board of commissioners of the city of Hendersonville shall have power and authority to adopt rules and regulations as to the laying out of subdivisions, streets, alleys, etc., within the city limits, whether such streets and alleys are to be taken over by the city or not, to the end that the city may [be] appropriately, conveniently, and advantageously planned and laid out; and the said board may, if they deem proper, appoint a city planning board to whom they may delegate such authority.

Rules of
laying out
streets, etc.

Section repealed.

SEC. 5. That section twenty-two of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen is hereby repealed.

Claims
against
the city.

SEC. 6. That every claim against the city of Hendersonville, of any kind whatever, must be presented in writing by the claimant to the city within ninety days after such claim accrues, or such claimant shall be barred from prosecuting any suit or action thereon.

SEC. 7. That section five of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all that part of said section which relates to levying a tax for advertising purposes, and by inserting in lieu thereof the following: "The commissioners may levy an annual tax of not less than one-fortieth of one per cent and not more than one-tenth of one per cent on all taxable property in the city for the purpose of advertising the city and its immediate environs. The fund so raised shall be spent under the direction and supervision of the board of commissioners of the city, or by a person or persons appointed by the board for that purpose."

Amendment.

Annual tax.

SEC. 8. That the powers and authority given by this act shall be in addition to, and not in restriction of, the powers and authority given to cities and towns by general law; and the charter of the city of Hendersonville, as it now exists under former laws, shall be and remain in full force and effect as herein necessarily modified or repealed.

Additional powers.

SEC. 9. That all acts and parts of acts, general or special, including those passed by the present session of the General Assembly, in conflict with the provisions of this act, are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 88

AN ACT TO AUTHORIZE THE TOWN OF CANTON TO ISSUE \$35,000 OF IMPROVEMENT BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Canton, North Carolina, is hereby authorized and empowered to issue thirty-five thousand dollars of negotiable coupon bonds of the town of Canton for the purpose of making necessary improvements in the town of Canton, in paving, grading, and concreting streets, sidewalks, and the laying of sewer lines and water mains in the town of Canton, or for one or more, or all, of said purposes named; that the proceeds from the sale of said bonds shall be used in grading and paving Clyde Street from the west end of the county bridge over Pigeon River to its intersection with the State highway at the T. and N. C. Railway crossing, and making the same improvements in the street lead-

Board issue authorized.

Purpose.

ing from Main Street at the Winfield store building to its intersection with Park Avenue; and for condemning, opening, grading and paving Academy Street extension across the property of Mrs. Harriett Cochran from Main Street to the Southern Railway Company's tracks; and for laying down water and sewer mains in said streets, and for extending the water and sewer line in North Canton, in what is commonly called Ferguson Town. It shall be the duty of the board of aldermen of the town of Canton to assess against the abutting property on said streets, and at all places where sewer lines are laid, as contemplated in this act, one-third of the total cost of said improvement against the abutting property on each side of said street, or of said improvements, as is provided in chapter twelve, Public-Local Laws of one thousand nine hundred and seventeen, of North Carolina.

Denominations;
payment;
maturity;
signature.

SEC. 2. That the said bonds shall be in such denominations, and payable at such place or places, and shall mature at such time or times, not to exceed forty years after their date, as the board of aldermen of the said town shall determine. The bonds shall be signed by the mayor of said town, shall be attested by the clerk thereof, and shall have the corporate seal of said town impressed on said bonds. The interest coupons attached to said bonds shall bear the facsimile printed, lithographed, or engraved signature of the mayor of said town. Said bonds may be designated as "improvement bonds" or such other name or title as the board of aldermen may determine. Said bonds shall draw interest at not exceeding six per cent per annum, payable semi-annually: *Provided*, that the purchasers of said bonds shall not be required to see to the application of the proceeds of said bonds.

Valid
obligations.

SEC. 3. That said bonds, when issued, shall constitute the full and direct and valid obligations of said town of Canton.

Bond sale.

SEC. 4. That the said bonds may be sold by the board of aldermen at either public or private sale, as said board may deem best for the interest of said town.

Special tax.

SEC. 5. That the said board of aldermen of said town shall levy and collect a special tax upon all the taxable property of said town, of sufficient rate and amount to pay the principal and interest of said bonds as the same may become due.

Additional
powers.

SEC. 6. That the power to issue the bonds authorized by this act is in addition to and not in substitution for the powers conferred by any other act, general or special, and the bonds issued pursuant to this act shall not be affected by any condition, limitation or restriction contained in any other act, general or special.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 89

AN ACT TO PROHIBIT THE SALE OF SOFT DRINKS WITHIN 200 YARDS OF ROANS CREEK BAPTIST CHURCH IN ASHE 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 dispose of any soft drinks within two hundred yards of Roans Creek Baptist Church on Roans Creek, Ashe County, North Carolina, during any days or nights upon which religious services are held at said church.

Sale of soft drinks 200 yards church during services at church.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not over fifty dollars (\$50) or imprisoned over thirty (30) days in the county jail of Ashe County.

Violation misdemeanor; penalty.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 90

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

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Hamlet, Richmond County, is hereby authorized to issue at one time, or from time to time, not exceeding twenty-five thousand dollars bonds for the purpose of extending the municipal sewerage system in said town, and not exceeding forty thousand dollars bonds for the purpose of constructing or reconstructing sidewalks in said town.

Bond issue authorized.

SEC. 2. Said bonds shall be issued pursuant to the Municipal Finance Act, as said act shall exist at the time of the proceedings for the issuance of said bonds are taken, except that it shall not be necessary to file with the clerk of said town a financial statement required by the Municipal Finance Act to be prior to the passage of bond ordinances, and it shall not be necessary to

Issuance.

recite in any bond ordinance that any such financial statement has been filed; and no limitation or restriction enforced by the Municipal Finance Act upon the amount of bonds a town may issue shall prevent the issuance of the full amount of the bonds hereby authorized.

Special tax.

SEC. 3. In each year while any of said bonds shall be outstanding it shall be the duty of said commissioners to levy a tax on all taxable property within said town, over and above all other taxes authorized by law sufficient to meet the payment and interest of principal falling due in the next succeeding year, which tax when collected shall be held by the treasurer of the town for the sole purpose for which it was levied.

Additional powers.

SEC. 4. The powers conferred to this act are conferred in addition to and not in substitution for existing powers of the town of Hamlet; and nothing herein shall prevent the issuance of bonds of said town under the Municipal Finance Act or other acts applicable to said town.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 91

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1901, SO AS TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SHELBY.

Amendment.

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 striking out the words "three-fourths of a mile," in line six of section two, and inserting in lieu thereof the words "one and one-half miles," and by striking out the words "three-fourths of a mile," in line seven of said section two, and inserting in lieu thereof the words "one and one-half miles."

Corporate limits extended.

SEC. 2. That the governing body of the town of Shelby shall ascertain the line of the corporate limits of said town as provided in this act, and have same properly marked.

Special tax district.

SEC. 3. That the territory within the old corporate limits shall, when this act goes into effect, become a special tax district for a period of three years from the date of ratification hereof, for the purpose of paying the interest and such install-

ments as may become due within said period, on all the indebtedness, notes, bonds and other obligations outstanding at this date against the present town of Shelby, and no tax shall be levied or collected in the new territory embraced in the town under this act to pay any bonds, notes or other present indebtedness of the old corporation of Shelby for a period of three years from the date of ratification hereof; but all legal expenditures for municipal improvements hereafter made within the new and the old territory shall be the obligation of the whole town as constituted in this act.

No municipal tax.

Expenditures.

SEC. 4. That the town of Shelby is hereby authorized to, and shall within one year from the date of the ratification of this act, purchase from the several private owners such water mains, sewer mains and electric transmission lines as are now physically connected with, or susceptible of being connected with, and used and operated as a part of the present municipally owned waterworks and electric lights of the town of Shelby. The price to be paid said private owners for said property to be the fair value thereof, to be determined by a board of appraisers composed of three members, one of whom to be chosen by the town of Shelby, one by a majority of the private owners and the third by the three thus selected; and the decision of any two of said appraisers shall be final; that the town of Shelby shall likewise purchase the property now used by the public schools of the new territory, if the owners elect to sell same, and pay a reasonable price therefor, to be determined as is herein provided.

Purchase of water mains, etc.

Board of appraisers.

SEC. 5. That the territory added to the corporate limits of the town of Shelby by this act shall likewise be added to and hereafter constitute a part of the Shelby public school district.

Added territory to be part Shelby public school district.

SEC. 6. That this act shall be in full force and effect from and after its ratification in all the territory covered by and included in a circle having as its center a point in the center of the courthouse as now located and situated in said town of Shelby, and made by a radius extending one and one-half miles in length from said center, that is, all that territory within a radius of one and one-half miles from the center of the present courthouse of Cleve and County, shall, after ratification hereof, constitute the town of Shelby and be subject to the charter of said town and the laws pertaining thereto, except as herein provided; and the several ward lines of the present town of Shelby shall be projected to the new corporate limits, and the new territory shall be thus subdivided among and added to the several wards of the town as thus partitioned.

Date of effect; outline of territory.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 92

AN ACT TO INCORPORATE THE FIRST BAPTIST CHURCH
OF SMETHPORT IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

First Baptist
church
incorporated.

SECTION 1. That the First Baptist Church of Smethport in Ashe County be and the same is hereby incorporated in the name and style of "First Baptist Church" of Smethport, and by such name may acquire, hold, and convey real and personal property, sue and be sued in any of the courts of this State and have continued succession for ninety-nine years.

Rules.

SEC. 2. That the officers and trustees of said church selected in accordance with the rules and regulations of Baptist denominations and shall make such rules and regulations covering said church as in their judgment they deem proper and just.

Unlawful.

SEC. 3. That it shall be unlawful for any person to be found in a drunken condition or under the influence of liquor within one mile of said church, and no person shall hollow or make any boisterous noise at or near said church that would disturb worship in said church during services therein.

Violation
misdemeanor;
penalty.

SEC. 4. That any person violating section three of this act shall be guilty of a misdemeanor and fined and imprisoned in the discretion of the court.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 93

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

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter two hundred twenty-three of the Private Laws of North Carolina, one thousand nine hundred and twenty-three, be and the same hereby is repealed.

Amendment.

SEC. 2. That section seventy-two of chapter four hundred thirty-five of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be amended by striking out, in line twenty-six, the words "and not under control of the owner."

Amendment.

SEC. 3. That section seventy-three of chapter four hundred thirty-five, of Private Laws, nineteen hundred thirteen be amended by adding at the end of said section the words "and the territory within one mile outside of said town." That section seventy-

five be amended by striking out, in line five, the word "two" and inserting the word "six," and further amend by striking out all words after the word "chairman," in line ten. That section seventy-seven be amended by striking out the words "the town treasurer, in an account separate from the other town funds" and inserting in lieu the words: "A treasurer to be selected by said commission"; and, in line four, strike out said section seventy-seven the words "each quarter" and insert the words "each year."

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

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 94

AN ACT TO APPOINT A BOXING COMMISSION FOR THE CITY OF KINSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the city of Kinston is hereby empowered and authorized to appoint a boxing commission to consist of three citizens who shall serve for a period not to exceed that of the mayor appointing said commissioners, and who shall serve without compensation.

Appointment boxing commission.

SEC. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed fifteen rounds in length, and in which no decision shall be rendered: *Provided*, said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulations of such boxing exhibition and shall have power to prohibit or stop a match at any time, even after consent has been given for the holding of such boxing exhibition.

Promotion matches.

Proviso: authority of commission.

SEC. 3. Any person or persons guilty of engaging in or promoting, aiding or abetting such sparring matches without first having the written consent of said boxing commission, and any person or persons violating the rules and regulations of said commission or refusing to obey orders of said commission controlling a sparring match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars or imprisoned not more than six months in the discretion of the court.

Misdemeanor.

Penalty.

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

Conflicting laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 95

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

Bonds
validated.

SECTION 1. The proceedings of the board of commissioners of the town of Carthage adopted on the seventeenth day of January, one thousand nine hundred and twenty-five, and on the fifth day of February, one thousand nine hundred and twenty-five, authorizing and selling fifteen thousand dollars water supply systems and building bonds of the town of Carthage, and providing for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly, notwithstanding any irregularity in the proceedings authorizing and selling said bonds.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 96

AN ACT INCORPORATING THE DANIEL BOONE HIGH SCHOOL IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Members of
corporation.

SECTION 1. That the following, T. C. Bowie, W. Jefferson, N. C.; R. L. Doughton, Washington, D. C.; C. C. Wright, Hunting Creek, N. C.; B. B. Dougherty, Boone, N. C.; A. H. Eller, Winston-Salem, N. C.; J. H. Rich, Winston-Salem, N. C.; T. B. Finley, Wilkesboro, N. C.; Thurmond Chatham, Winston-Salem, N. C.; W. M. Hanes, Winston-Salem, N. C.; Dan Beard, New York City, N. Y.; David Abercombie, New York City, N. Y.; H. D. Meyer, Chapel Hill, N. C.; and Santford Martin, Winston-Salem, N. C., do hereby associate themselves into a non-stock corporation under and by virtue of the laws of the State of North Carolina, as contained in chapter twenty-two of the Consolidated Statutes, entitled "Corporations," and the several amendments thereto, and to that end do hereby set forth:

Daniel Boone
high school
incorporated.

1. The name of this corporation is Daniel Boone high school, incorporated.

2. The location of the principal office of the corporation in this State is at Deep Gap on Boone Trail highway in Watauga County, North Carolina.

Location
principal
office.

3. The objects for which this corporation is formed are as follows:

(a) To operate a consolidated high school during the school period of eight to nine months: *Provided*, that the time of the establishment and maintenance of the said consolidated high school shall be left with the school board of Watauga County.

Objects of
corporation.

(b) To operate during the summer months a school for scouts and scout masters' training and of recreation methods.

And in order to properly prosecute the objects and purposes set forth, the corporation shall have full power and authority to purchase, lease and otherwise acquire, hold, mortgage, convey and otherwise dispose of all kinds of property, both real and personal, deficiencies of the United States, and generally to perform all acts which may be deemed necessary for the proper and successful prosecution of the objects and purposes for which the corporation is created.

4. The corporation is to have no capital stock.

No capital
stock.

5. The period of existence of this corporation is limited to ninety-nine years.

Period of
existence.

6. Members may be admitted after organization upon the following terms: on majority vote of incorporators.

Admission
of members.

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

Conflicting
laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 97

AN ACT, SUPPLEMENTAL TO AN ACT, ENTITLED AN ACT, TO AMEND CHAPTER 132 OF THE LAWS OF NORTH CAROLINA OF 1891, SO AS TO INCREASE THE HOLDING CAPACITY OF MEREDITH COLLEGE OF PROPERTY AMOUNTING TO TEN MILLION DOLLARS INSTEAD OF ONE MILLION DOLLARS, BEING H. B. No. 323, S. B. No. 13, RATIFIED ON THE 6th DAY OF FEBRUARY, 1925, FILE No. 72.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill number three hundred and twenty-three, Senate bill number thirteen, ratified on the sixth day of February, file number seventy-two, be amended, in the caption

Amendment.

of said bill, in line two, between the words "the" and "Laws," by inserting the word "Private."

Amendment.

SEC. 2. That section one, in line two of said bill, be amended by inserting the word "Private" between the words "the" and "Laws."

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

Conflicting
laws repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 98

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-nine of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby repealed and the following substituted in lieu thereof: That the corporate limits of the town of Elizabethtown shall be as follows: Beginning at a stake on the south bank of the Cape Fear River, the terminus of the lower line of Lower Street, in the original plan of said town, and running thence with said line south twenty-two west to the dividing line between L. J. Hall and the Robeson Development Company; thence a direct line to the Newton-McArthur dam across Deep Bottom Branch; thence up the Deep Bottom Branch to the mouth of the Schoolhouse Branch; thence up the run of the Schoolhouse Branch to the bridge north of the colored schoolhouse; thence with the west edge of the road to the J. P. Mercer and Bell Martin line; thence with that line north forty-four west sixteen chains to the J. A. McDowell line; thence with that line north forty-six east to the right-of-way of the Virginia and Carolina Southern Railroad; thence along the west edge of said right-of-way to the J. B. Clark lower line (the dividing line between said J. B. Clark and the Robeson Development Company); thence with the Clark and Robeson Development Company line to the hillside (the northern boundaries of the lots in the subdivision of the Robeson Development Company land); thence with said hillside (so as to include the lots in said subdivision) to the edge of Moorehead Street; thence with the line of Moorehead Street north twenty-two east to the back line of the lots formerly owned by the Robeson Development Company; thence with said line south sixty-eight east to the McDowell-Bryan-Ashford line;

Amendment.

thence with said line north forty-six east to the Cape Fear River; thence down said river to the beginning.

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

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 99

AN ACT TO FURTHER AMEND CHAPTER 37, PRIVATE LAWS OF 1905, BEING THE CHARTER OF THE TOWN OF SPENCER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five, as subsequently amended by chapter three hundred and eighty-two (382) of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all of the said section after the colon, in line three, and inserting in lieu thereof the following: Amendment.

Beginning one (1) at the point of intersection of the center lines of Third Street and Jourdan Avenue; thence two (2) in a westerly direction along the center line of Jourdan Avenue to intersection with center line of Sixth Street extended; thence three (3) in a southerly direction along the center line of Sixth Street extended to intersection with center line of Whitehead Street; thence four (4) in a westerly direction along the center line of Whitehead Street to intersection with center line of Sixth Street; thence five (5) in a southeasterly direction along the center line of Sixth Street to intersection with center line of Henderson Avenue; thence six (6) in a southwesterly direction along the center line of Henderson Avenue to intersection with center line of Eleventh Street; thence seven (7) in a southeasterly direction along the center line of Eleventh Street to intersection with center line of Spencer Avenue; thence eight (8) in a southwesterly direction along the center line of Spencer Avenue to intersection with center line of Spring Hill Avenue; thence nine (9) in a southeasterly direction along the center line of Spring Hill Avenue to intersection with center line of Spencer Avenue extended; thence ten (10) in a southwesterly direction along the center line of Spencer Avenue extended to intersection with center line of Seventeenth Street; In lieu.

thence eleven (11) in a southeasterly direction along the center line of Seventeenth Street and the east corporation line of Salisbury across the Southern Railway tracks to a point one hundred (100) feet, measured at right angles, from the center line of the old North Carolina Railroad main track; thence (12) in a northeasterly direction along a line parallel to and always one hundred (100) feet, measured at right angles, from the center line of the old North Carolina Railroad main track to the point of intersection with the extension of the present east corporation line of Spencer; thence thirteen (13) in a northwesterly direction across the Southern Railway tracks and along the present east corporation line of Spencer to the intersection with the center line of Third Street; thence fourteen (14) in a southerly direction along the center line of Third Street to the point of beginning, all of which is shown on map dated February tenth, nineteen hundred and twenty-five, and filed in the office of the town clerk.

Amendment.

SEC. 2. That section twenty-six (26) of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the words "one dollar," in line four of said section, and substituting the words "fifty cents" in lieu thereof.

Amendment.

SEC. 3. That chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be further amended by adding the following section after section twenty-six (26), the said section to be known as section twenty-six and one half (26½).

Plan of
finance.

Not later than one month after the beginning of each fiscal year, the budget committee, which shall consist of the mayor, the treasurer of the town and one citizen at large to be elected by the board of aldermen for the term of two years and who shall serve without compensation, shall prepare and submit to the mayor and board of aldermen a plan for financing the municipality during said fiscal year, which plan shall be known as the budget and shall contain information and recommendations as to the appropriations necessary to be made for current expenses and for all permanent improvements, exclusive of improvements to be paid for by means of bonds, for the payment of the principal and interest of outstanding indebtedness and for any accumulated deficit and shall also contain information and recommendations as to the taxes and the tax rate required, and the estimated revenues of the municipality from all other sources.

Amendment.

SEC. 4. That section twenty-two (22) of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following:

Provided, that no street, alley or other public or private thoroughfare shall be opened through or across that portion of the property incorporated in the limits of the town of Spencer and known as the Southern Railway shop property except by and with the consent of the said Southern Railway Company.

Additional
clause.

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

Conflicting
laws repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 100

AN ACT TO INCORPORATE THE TOWN OF LAUREL PARK IN HENDERSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all of the citizens of the territory hereinafter set forth and described are hereby incorporated, and the said territory shall be and is hereby constituted a municipal corporation under the name and style of the "Town of Laurel Park," and shall have and exercise all the powers, and be subject to all the provisions contained in subchapter one (1), article fifteen (15), sixteen (16), and part one (1), plan A of article nineteen (19) of chapter fifty-six (56) of the Consolidated Statutes of North Carolina, and other general laws which are now or may hereafter be enacted for the organization and government of cities and towns in North Carolina.

"Town of
Laurel Park."

SEC. 2. The boundary lines of the municipality herein and hereby incorporated being in Henderson County and specifically described as follows: Beginning at a stake in the southern margin of Fifth Avenue, where the same intersects with the northeastern margin of the right-of-way of the Toxaway branch of the Southern Railroad, thence running in a southeasterly direction with the eastern margin of said right-of-way four hundred thirty-nine (439) feet to a stake; thence south eighty-four (84) degrees twenty-two (22) minutes west ninety-eight and three-tenths (98.3) feet to the center line of said railway track; thence continuing same course and crossing said railroad five hundred and eighty-seven (587) feet to the southeast corner of a tract of land purchased by Laurel Park estates, incorporated, from Claud M. Pace; thence continuing same course, and with the south line of said Pace tract four hundred and sixty-six and five-tenths (466.5) feet, to the east margin of White Pine Gap

Boundary
lines.

road; thence with the eastern margin of said road, south four (4) degrees west to the point where the same intersects with Spring Drive, which is a drive shown on a plat of Laurel Park of record in book of maps for Henderson County in book number one (1), page one hundred (100); thence with the eastern margin of Spring Drive to the point where the same intersects with the Mt. Hebron road; thence crossing the Mt. Hebron road to the southern margin thereof, and with the southern margin thereof easterly to the northwest corner of the Newton Evans tract (said tract purchased from C. F. Betts and wife); thence from the northwest corner of the Newton Evans tract in the southern margin of the Mt. Hebron road, and running with western line in a southerly direction to his southwest corner; thence with his southern line in a easterly direction to the west margin of Stepp Street; thence with the west margin of Stepp Street to the point where the northern margin of Beck Street intersects with the same; thence continuing across Beck Street and with the west margin of Stepp Street, two hundred and sixty-four (264) feet, more or less, to the corner of the Henry Justus lot; thence north eighty-five (85) degrees west with the northern line of the Henry Justus lot, two hundred and seventy-four (274) feet, more or less, to a stake, his northwest corner; thence in a southerly direction and with the western line of the Henry Justus lot and D. H. Kilpatrick tract to D. H. Kilpatrick's southwest corner, the same being a corner of the C. E. Moore tract; thence south forty (40) degrees west two hundred and twenty-eight (228) feet, more or less, to a corner; thence south thirty-five (35) degrees west one hundred and seventy-eight (178) feet, more or less, thence south forty-five (45) degrees thirty (30) minutes west two hundred and sixty-four (264) feet, more or less; thence south thirty-seven (37) degrees east one hundred and twenty-five (125) feet, more or less, to a corner in the northern margin of Willow Road; thence with the northern margin of Willow Road, south seventy-six (76) degrees west two hundred and eighty-four (284) feet, more or less, to a corner in the northern line of Willow Road and being a corner of lands of Laurel Park estates, incorporated, and P. Quinn; thence with the Quinn line north twenty-three (23) degrees forty (40) minutes west seven hundred and fifty-four (754) feet to a corner of P. Quinn and Laurel Park estates, incorporated, thence south eighty-four (84) degrees west eighty (80) feet, more or less, to Quinn's northwest corner; thence with the western line of Quinn tract south nineteen (19) west four hundred and sixty-two (462) feet, to a stake in the line of the Ficker tract; thence with the Ficker line north sixty-two (62) west three hundred and sixty-three (363) feet, more or less, to a stake; thence in

a northerly direction with said Ficker line to the corner of the J. M. Ransier tract; thence continuing with the line of the said Ficker tract and the Ransier tract, as the same meanders westerly to the northwest corner of the said Ficker tract, the same being also the corner of John Colquhon tract; thence confining with the line of the said Ransier tract and the John Colquhon tract, as it meanders westerly to a chestnut, corner of the Ransier tract and the Ives-Patterson tract (both now owned by Laurel Park estates, incorporated); thence with said line of the Ives-Patterson tract south one hundred and forty-four (144) feet, more or less, to a corner; thence with line of the Ives-Patterson tract and John Colquhon tract north eighty-five (85) degrees west eight hundred fifty (850) feet, more or less, to a corner; thence by lands of Ives-Patterson tract, H. Walter Fuller and Mrs. Hefner, west four hundred (400) feet, more or less; thence with line between Ives-Patterson tract and Mrs. Hefner, south ninety (90) feet, more or less; thence continuing with said line westwardly eight hundred twenty-five (825) feet, more or less, to corner of line of lands of Mrs. Hefner, A. Finlay, Ives-Patterson tract (now Laurel Park estates, incorporated); thence with line of A. Finlay and Ives-Patterson (now Laurel Park estates, incorporated) north seven (7) degrees east five hundred five (505) feet, more or less; thence west six hundred sixty (660) feet, more or less; thence north one hundred thirty-two (132) feet, more or less; thence east one hundred eighty-seven (187) feet, more or less, to a chestnut; thence north two hundred eighty (280) feet, more or less; thence west one hundred thirty (130) feet, more or less; thence north six hundred twenty (620) feet, more or less, by lines of Alex Finlay, F. C. Justus and Ives-Patterson tract (now owned by Laurel Park estates, incorporated), to the corner in the Hebron Road; thence with the southern margin of the Hebron Road by the lands of F. C. Justus, W. H. Manders and N. B. McKinney to the point where the line of what is known as the Hughes tract (now owned by Laurel Park estates, incorporated), crosses the said road by call north four (4) degrees east three hundred and ninety-six (396) feet; thence with the said line of said Hughes tract, and by line of lands of N. B. McKinney, south four (4) degrees west three hundred (300) feet, more or less; thence north thirty-six (36) degrees west three hundred seventy-nine (379) feet, more or less; thence south four (4) degrees west two hundred eighty and five-tenths (280.5) feet more or less, to the northern line of James Finlay; thence continuing with the Hughes line by lands of said Finlay, north eighty-six (86) west three hundred seventy-five (375) feet, more or less; thence south thirty-two

and one-half ($32\frac{1}{2}$) west eight hundred fifty-eight (858) feet, more or less; thence south ten and one-half ($10\frac{1}{2}$) west three hundred ninety-six (396) feet, more or less; thence south eighty-six (86) west eight hundred twenty (820) feet, more or less, to a stake in the northern margin of Jones Gap Road, the same being the northwest corner to the James Finlay one hundred ten (110) acre tract; thence north three and one-half ($3\frac{1}{2}$) east fourteen hundred five (1405) feet to a stone; thence north eighty-six (86) west ten hundred fifty-six (1056) feet, more or less; thence north four (4) degrees east ten hundred thirty-nine and one-half ($1039\frac{1}{2}$) feet, more or less; thence north fifty-six (56) west sixteen hundred fifty (1650) feet, more or less, to a corner of the lands of J. S. Lydia and W. D. McAdoo and the Hughes tract (now owned by Laurel Park estates, incorporated), thence with the McAdoo line north thirty-three and one-half ($33\frac{1}{2}$) east twelve hundred twenty-one (1221) feet to a corner of W. D. McAdoo and Davis heirs and the Hughes tract (now owned by the Laurel Park estates, incorporated); thence turning eastwardly with the line of the Hughes tract and the Davis heirs, south fifty-six (56) east ten hundred thirty-nine and five-tenths (1039.5) feet, more or less; thence north twenty-four (24) east three hundred nineteen and five-tenths (319.5) feet, more or less, to a sourwood; thence south seventy-one and one-half ($71\frac{1}{2}$) east thirteen hundred eighty-six (1386) feet, more or less, to a corner in the Hughes tract, Davis heirs and Cleo McCarson; thence in a straight line northeasterly; nine hundred (900) feet, more or less, to the southwest corner of the Joe McCarson, eleven and three-fourths ($11\frac{3}{4}$) acre tract (now Laurel Park estates, incorporated); thence with the McCarson tract line by lands of Davis heirs; thence north twenty (20) east nine hundred sixty-eight (968) feet, more or less, to a chestnut; thence south seventy-five and one-half ($75\frac{1}{2}$) east two hundred ninety-seven (297) feet, more or less; thence south forty-six (46) east two hundred fifty (250) feet, more or less, to a corner of the Joe McCarson forty (40) acre tract (now owned by the Laurel Park estates, incorporated); thence with the boundary of said tract north twenty (20) east three hundred (300) feet, more or less; thence north five hundred fifty (550) feet, more or less, to a hickory; thence east nine hundred ninety (990) feet, more or less, to a corner of the G. W. Corriher six and one-fourth ($6\frac{1}{4}$) acre tract; thence with a line of the said G. W. Corriher tract, north thirty (30) east two hundred ninety-six (296) feet, more or less, to a stone in the old Jump-off Road; thence easterly, following the meanderings of the Old Jump-off Road, with the southern margin thereof to a point where the same intersects with a line of Old Laurel

Park (formerly owned by W. A. Smith); thence running from said point and leaving the Jump-off Road with said line of Old Laurel Park, north thirty-five (35) degrees ten (10) minutes west six hundred seventy (670) feet, more or less, to a corner of the said Laurel Park tract; thence continuing with line of same north 0 degrees fifty (50) minutes east seven hundred fifty-six (756) feet, more or less, to a corner of same; thence continuing with line of said Laurel Park tract north eighty-eight (88) degrees twenty-seven (27) minutes east three hundred twenty-five (325) feet, more or less, to a corner; thence continuing with same north fifty-nine (59) degrees thirty-two (32) minutes east three hundred eighty-nine (389) feet to the north-eastern margin of the road running along southwestern side of the Toxaway branch of the Southern Railroad; thence continuing the same course and crossing said railroad to the north-eastern boundary line of the right-of-way of the said Toxaway branch of the Southern Railroad; thence down and with said right-of-way in a southeasterly direction to the point where the same intersects with the southern margin of Fifth Avenue, the place of the beginning.

SEC. 3. That the following named persons shall fill the offices of mayor and commissioners upon their qualifications until an election is held as provided herein and until their successors are elected and qualified, to wit: W. Walter Fuller, mayor; Stanley H. Wright, Reginald Willcocks, Dennis Gibbs, commissioners.

Mayor and
commissioners.

SEC. 4. That the clerk, treasurer and regular policemen shall be appointed by the commissioners, and all special policemen shall be appointed by the mayor.

Appointments.

SEC. 5. That the officers of said town shall hold office until their successors are elected and qualified at an election to be held under the laws relating to municipalities on the first Monday in May, nineteen hundred and twenty-seven, and biennially thereafter under all laws regulating elections in cities and towns.

Term of
office.

SEC. 6. That the officers provided for in this act shall qualify, within in ten days from its ratification before a justice of the peace, or clerk of the Superior Court, and all officers thereafter elected or appointed by the board shall qualify before the mayor of said town, a justice of the peace, or clerk of the Superior Court.

Qualification
of officers.

SEC. 7. That all laws or parts of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 101

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO THE POWERS AND DUTIES OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Sections
repealed.

SECTION 1. That sections two, three, four, five, six and seven of chapter one hundred and twenty, Private Laws of North Carolina, session nineteen hundred and twenty-three, entitled: "An act to amend Senate bill number fifteen, House bill number one hundred and thirty-three, relating to the charter of the city of Asheville," be and the said sections are hereby repealed.

Sections
reënacted.

SEC. 2. That sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of chapter forty-nine, Private Laws of North Carolina, session nineteen hundred and fifteen, entitled: "An act to amend the charter of the city of Asheville and to amend chapter thirty-five of the Private Laws of nineteen hundred and five, and to repeal all laws in conflict with this act," be and said sections are hereby reënacted.

To give bonds.

SEC. 3. That the commissioner of public accounts and finance, the commissioner of public works and the commissioner of public safety of the said city of Asheville shall give bond in some bonding company licensed to do business in the State of North Carolina, in the penal sum of not less than ten thousand dollars, payable to the city of Asheville, conditioned, as to each said commissioner, upon his collecting, accounting for and paying over all sums of money belonging to the city coming to his hands and through the hands of any one in his department.

Application
of act.

SEC. 4. That this act shall not be construed so as to repeal chapter fifty-six, Public Laws, session nineteen hundred and fifteen, or any of the amendments thereto, or chapter one hundred and six, Public Laws, extra session, nineteen hundred and twenty-one, or any amendments thereto which said acts together with all special acts relating to the city of Asheville, enacted into law at this session of the General Assembly, are hereby declared to be in full force and effect.

Conflicting
laws repealed.

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

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 102

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CONETOE, IN THE COUNTY OF EDGEcombe.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred fifty-four, Private Laws of eighteen hundred eighty-seven, be amended by extending the corporate limits of the town of Conetoe in Edgecombe County so as to include the following lands, to wit:

Corporate
limits
extended.

Beginning at a point on the county road from Conetoe Primitive Baptist Church to the G. W. Stancill place at a point at or near the Atlantic Coast Line Railroad where the line of the present corporate limits intersects with said road, then easterly along said road to Tarboro-Bethel public road, then down said road to Ballyhack Canal, then down the canal to the present corporate limits, then west along the said corporate limits to the beginning.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 103

AN ACT TO RATIFY AN AMENDMENT MADE BY THE CITY OF HIGH POINT TO THE CHARTER OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. The amendment to the charter of the city of High Point, proposed by a resolution of the city council of said city and approved by a majority of the votes cast at an election held in said city on the sixth day of May, nineteen hundred and seventeen, pursuant to part seven of chapter one hundred and thirty-six of the Public Laws of nineteen hundred and seventeen, is hereby ratified and confirmed and made an amendment to said charter, said amendment being as follows:

Amendment.

(a) That paragraph forty-one of section twenty-six of the charter of said city, as amended by chapter one hundred and sixty-nine of the Private Laws of nineteen hundred and fifteen (constituting paragraph forty-one of section twenty-six, page forty-two, of said charter as published by the city council of said city in nineteen hundred and fifteen), be stricken out and repealed; and

(b) That section twenty-two of the charter of said city, being section twenty-two of chapter three hundred and ninety-five of the Public Laws of nineteen hundred and nine (constituting section twenty-two on page twenty-three of said charter as published in nineteen hundred and fifteen), be amended so as to read as follows:

Public free schools.

"Sec. 22. *Public free schools.* The city of High Point shall constitute an independent public school district, for both white and colored, to be known and designated as the "High Point graded school district," subject to the general laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

School commissioners.

"*School commissioners.* Five commissioners shall constitute the school board of said city, as constituted and established under the public laws of one thousand eight hundred and ninety-seven, chapter three hundred and ninety-two, one from each ward, and one at large and shall be appointed by the city council and shall have entire and exclusive control of the said school property, and shall employ and fix compensation of officers and teachers, and shall do all other acts that may be necessary, just and lawful for the successful management of the said graded schools: *Provided*, that the city council at its first meeting in June, nineteen hundred and nineteen shall appoint one member for one year, one member for two years, and one member for three years, one member for four years, and one member for five years; and all vacancies caused by death, resignation or in any other manner shall be filled by appointment in the same manner for the unexpired term. The regular terms of members of the school board shall be five years, and the regular appointment of members shall be made at the first meeting of the council in June of each year or as soon thereafter as practicable, and the necessary number of school commissioners shall be appointed to take the places of those whose terms have expired.

How funds are to be paid out.

"*How funds are to be paid out.* No school funds shall be paid out except upon payrolls or warrants signed by the chairman of the school board; no member of the school board shall receive any compensation for his services in any capacity whatever nor be interested directly or indirectly in any contract with or claim or demand of any character against the school board of the city of High Point, except the treasurer of the school board, whose compensation shall be fixed by the school board. Any such contract, claim or demand shall be void, and any member of the said board who shall become interested in any such contract, claim or demand, or shall buy or sell any school warrants or

obligations of said school board, shall be subject to removal by the city council.

Financial statement of school board. It shall be the duty of the school board to make a financial statement to the mayor of the city on or before the first day of June of each year, giving a full and complete report of their operations for the previous year. The provisions of chapter three hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-seven, amended by chapter two hundred and seventy-nine, Public Laws of one thousand nine hundred and one, shall be considered a part of this act."

Financial
statement of
school board.

SEC. 2. All acts and proceedings heretofore or hereafter done or taken by the city of High Point or by any board or officer of said city pursuant to the said amendment shall have the same force and effect as if the said amendment had been adopted and made by act of the General Assembly.

Prior acts.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent
acts repealed.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 104

AN ACT TO AMEND PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, CHAPTER 344, ENTITLED AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CONCORD IN THE COUNTY OF CABARRUS AND STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and seven, be amended by adding after section thirty-five a new section to be known as "Section 35a" to read as follows:

Amendment.

"SEC. 35a. In all criminal actions of which the police justice's court has final jurisdiction, witnesses attending said court under subpœna shall receive the sum of one dollar per day and no mileage, but the party cast shall not be required to pay for more than two witnesses subpoenaed to prove any one material fact, in the discretion of the police justice. The fees for witnesses shall be taxed in the bill of cost in all cases and shall be paid by the defendant upon conviction. If the defendant shall be found not guilty or if a nolle prosequi is

entered, the State's witnesses shall be entitled to one-half fees to be paid by the city of Concord: *Provided*, that in all cases where the police officers receive a salary either from or through the city of Concord and are under the direction of the city police department, their fees as witnesses shall be taxed in the bill of cost as above provided and paid over to the treasurer of the city of Concord for the use of the city: *Provided further*, that no witness shall be paid a fee as such witness unless he proves his attendance on the day on which the trial is had. All subpoenas shall be issued either by the police justice or the chief of police or other officer in charge of the police department in the absence of the chief."

Amendment.

SEC. 2. That chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and seven be further amended by adding after section eighty-nine a new section to be known as "Section eighty-nine a" to read as follows:

Additional powers.

"Sec. 89a. In addition to the powers and privileges hereinbefore conferred, the city of Concord shall have all the powers incident and usual to corporations of like character under the general laws of the State; and the amounts of tax named above which the city is authorized to levy and collect shall only be a guide and shall not be binding as to the amount of tax the city may levy on each trade, profession, business or franchise but the amount of tax which the city may levy and collect on each trade, profession, business or franchise shall be in the discretion of the board of aldermen."

Conflicting laws repealed.

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

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 105

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF EDENTON, CHOWAN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate limits extended.

SECTION 1. That the present boundaries and corporate limits of the town of Edenton, Chowan County, North Carolina, be amended and changed to read as follows:

Beginning at the center of Queen Anne Creek; thence approximately north along the center of the swamp between Powell

Brother's Strawberry Hill Farm and the property of the Edenton Cotton Mills about eleven hundred feet; thence north thirteen degrees and thirty minutes east eight hundred twenty feet to the south side of the Yeopim Road; thence north thirteen degrees and thirty minutes east to the southern side of the Edenton-Hertford Road right-of-way (State highway); thence north seventy-two degrees and thirty minutes west to a point inside the field lying on the west side of the Paradise Road; thence south fifty-two degrees west parallel with Badham Road and one hundred fifty feet westwardly therefrom three hundred fifty feet; thence south sixty-two degrees and thirty minutes west seven hundred ninety feet; thence south forty-five degrees and thirty minutes west one thousand three hundred forty feet to a point two hundred ten feet from the west side of the Badham Road (this line paralleling the long stretch of the said Badham Road and one hundred fifty feet westwardly therefrom) to a point three hundred feet from the northerly side of the Virginia Road right-of-way; thence north sixty-six degrees west parallel with Virginia Road and three hundred feet therefrom to a point opposite the westerly side of Granville Street; thence south nineteen degrees west three hundred fifty feet to a granite marker which marks the northwest corner of the town of Edenton; thence along the present western boundary, a ditch and the Albania Creek their various courses to the port warden line; thence along the port warden line to the mouth of Queen Anne Creek; thence up the run of Queen Anne Creek to the place of beginning.

SEC. 2. Before, however, the limits of said town of Edenton shall be extended, the question of such extension shall be submitted to the qualified voters of said town and to those in the territory proposed to be incorporated in it at a special election to be called by the councilmen of the town of Edenton for that purpose. Except as herein modified said election shall be held as nearly as possible to conform to the general laws governing town elections. The board of councilmen of the town of Edenton, after advertising said election and its time and place for thirty days at the courthouse door in Edenton, North Carolina, and three other public places in the said town and proposed area to be included, and in a newspaper published in the town of Edenton once a week for four successive weeks just prior to said election, shall cause an election to be held in the town of Edenton and the proposed area to be included. Those favoring the extension of the corporate limits of the town so as to embrace all of that territory included in the boundaries named in section one of this act shall vote a ballot on which is printed or written the words "For extension," and those opposed to such extension shall vote a ballot on which is printed or written the

Vote of
people.

words "Against extension." If at said election a majority of votes cast of those in the town, as at present constituted, and of those in the territory proposed to be annexed, voting as a unit shall be for extension, the judges of election shall declare the result and certify the same to the board of councilmen of the town of Edenton, who shall enter it upon the records of the said town. Thereupon this act shall become effective and the corporate limits of the town of Edenton shall be extended as provided and described in section one of this act. If, however, a majority of the votes cast at said election shall be against extension, then this act shall not take effect so as to extend the limits of said town.

Election.

SEC. 3. The board of councilmen of the town of Edenton will cause said election to be held on the third Tuesday in April, it being the twenty-first day of April, nineteen hundred and twenty-five. In order to carry out the purposes of said election the said board of councilmen shall require a new registration, shall appoint registrars, judges of election and shall name and designate the polling places for said election. The judges of said election shall certify the return of said election to the board of councilmen on Thursday, April the twenty-third, nineteen hundred and twenty-five.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 106

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF WINDSOR, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Bonds validated.

SECTION 1. That one hundred thousand dollars (\$100,000) six per cent street and light bonds of the town of Windsor, North Carolina, dated January first, one thousand nine hundred and twenty-five, are hereby validated in all respects and declared to be genuine obligations of the said town, notwithstanding any omissions or defects in the proceedings and advertisement.

Conflicting laws repealed.

SEC. 2. That all acts and parts of acts in conflict with this act are hereby repealed in so far as they affect this act.

SEC. 3. That this act shall be in effect from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 107

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF KELFORD IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Kelford in Bertie County shall be as follows:

Beginning at a persimmon tree on the west side of a road leading from Kelford to Lewiston, running thence north sixty-nine and one-half degrees west two thousand two hundred and forty-five feet to a gate; thence north thirty and one half degrees west one thousand two hundred feet to the Atlantic Coast Line Railway; thence the same course one thousand six hundred feet to the Overton Gate; thence north seventeen degrees west nine hundred and ten feet; thence north fifty-three degrees east crossing the road leading from Kelford to Roxobel one thousand one hundred feet to a stake; thence north eighty-two degrees east seven hundred feet; thence south sixty-three degrees east crossing the Seaboard Air Line Railway and running to the Atlantic Coast Line Railway, a distance of three thousand five hundred feet; thence in a southwesterly direction across said Atlantic Coast Line Railway about one hundred and fifty feet; thence south eighteen degrees east two thousand three hundred and thirty-five feet to a branch; thence south seventy-six degrees west one thousand and thirty-four feet to the Seaboard Air Line Railway; thence south thirty-three and one-half degrees west eight hundred feet to the beginning on the west side of said road leading from Kelford to Lewiston.

Corporate
limits
changed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 108

AN ACT TO AUTHORIZE THE TOWN OF LAUREL PARK TO ISSUE BONDS TO INSTALL WATER AND SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Laurel Park is hereby authorized and empowered to issue bonds in an amount, or amounts, not to exceed one hundred fifty

Bond issue
authorized.

thousand dollars (\$150,000) for the purpose of acquiring a water supply and acquiring, laying, installing and equipping a water and sewerage system for said town, all of which is necessary for the public welfare and to the health of the citizens of said town, at such time, or times, and in such amount, or amounts, as may be deemed expedient by said board; said bonds to be in denominations fixed by the board, bearing interest from date thereof upon the total at rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually at such time and place as may be deemed advisable by the said board; said bonds to be of such form and tenor, and transferable in such manner and the principal thereof payable or redeemable in such amount, or amounts, at such time, or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of aldermen may determine; each of said bonds to state on its face that same was issued for the necessary expense of acquiring, installing and equipping a water supply and water and sewerage system of the said town.

Bond sale.

SEC. 2. That the bonds issued under and by virtue of this act shall not be sold for less than their par value.

Special tax.

SEC. 3. That for the purpose of providing for the payment of the interest accruing on and the principal of said bonds at maturity, the board of aldermen of the said town shall annually, at the time of levying other town taxes, levy and lay a sufficient tax upon all the property and subjects of taxation on which the said board of aldermen now or may hereafter be authorized to levy taxes. The tax thus provided shall be collected at the time and in the manner other town taxes are collected, and shall be accounted for and kept separate and apart from other town taxes, and shall be applied exclusively to the purposes for which they were levied and collected.

Additional powers.

SEC. 4. That the provisions of this act shall be in addition to the power and authority granted to the board of aldermen under the charter of the said town.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 2d day of March A.D. 1925.

CHAPTER 109

AN ACT AMENDING THE CHARTER AND DEFINING THE CORPORATE LIMITS OF THE TOWN OF FRANKLINTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-seven of chapter ninety-two of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed and the following substituted therefor: "Section thirty-seven. That the corporate limits of said town are as follows: Beginning at a concrete monument in the yard southwest of the home of the late H. C. Kearney, thence south sixty-one degrees ten minutes east two hundred and eighty-five and nine-tenths feet (285.9) to an iron stake center of Cheatham Street, thence same course along the south side of College Street nine hundred and fifty-nine and six-tenths feet (959.6) to a lead hub in the concrete roadway, center of Main Street, thence same course two thousand seven hundred and fourteen and five-tenths feet (2714.5) to a concrete monument, making a total distance of three thousand nine hundred and sixty feet (3960) for this side; thence north twenty-eight degrees fifty minutes east three thousand five hundred and ten and four-tenths feet (3510.4) to an iron stake in center of Mason Street, thence same course four hundred and forty-nine and six-tenths feet (449.6) to a concrete monument, making a total distance of three thousand nine hundred and sixty (3960) feet for this side; thence north sixty-one degrees ten minutes west two thousand five hundred and forty-four feet (2544) to the center line of Main Street if extended from the intersection of Pearce Street; thence same course one thousand four hundred and twenty-six feet (1426) to a concrete monument, making a total distance of three thousand nine hundred and sixty feet (3960) for this side; thence south twenty-eight degrees fifty minutes west two thousand three hundred and fifty-nine (2359) to an iron stake center of Mason Street, thence same course one thousand six hundred and one (1601) feet to the beginning, making a total distance of three thousand nine hundred and sixty feet (3960) for this side." The courses above given are true meridian.

Amendment
extending
corporate
limits.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 110

AN ACT TO AMEND CHAPTER 266 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1889, RELATIVE TO THE CHARTER OF THE TOWN OF ROWLAND.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section seven of chapter two hundred sixty-six of the Private Laws of North Carolina, session one thousand eight hundred eighty-nine, be amended by striking out the word "annually," in line three thereof, and by adding the following at the end of said section: "At the election to be held in the year one thousand nine hundred twenty-five, two commissioners shall be elected for a term of two years, and two commissioners shall be elected for a term of one year, and at each succeeding election the commissioners shall be elected for a term of two years. The mayor shall be elected annually."

Amendment.

SEC. 2. That said chapter two hundred sixty-six of the Private Laws of North Carolina, session of one thousand eight hundred eighty-nine, be further amended by inserting the following section between sections eighteen and nineteen:

Insert.

"Sec. 18½. Subsection (a). That every primary election or convention held by any political party, organization or association for the purpose of choosing candidates for the various offices of the town of Rowland, which are to be elected under the provisions of this act, shall be presided over and conducted in the manner prescribed by rules adopted for the same by the board of commissioners of the town of Rowland, and by managers selected in the manner prescribed by said rules. The number of such managers shall be three, and they shall be appointed by the board of commissioners or other governing body of the town of Rowland, at least twenty days before such primary election shall be held, as now or hereafter provided for. Such managers, after being appointed, shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will fairly, impartially and honestly conduct the said primary election according to the provisions of this act and the rules now or hereafter prescribed which may be adopted by the board of commissioners of said town. If one or more of the managers appointed to hold said primary election shall fail to appear on the day of the election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take the oath herein prescribed before a notary public or other officer authorized to administer oaths. Such oaths shall, after

Primaries for election town officers.

being subscribed by the managers, be filed in the office of the town clerk and treasurer of the town of Rowland, and all returns and other records and papers required to be kept or made by the rules adopted for such primary election by the board of commissioners of the town of Rowland shall be returned to and filed in the office of the town clerk and treasurer of the town of Rowland, and shall be recorded by him in a book to be kept for that purpose, designated "Record of primary elections."

"Board of
primary
elections."

"Subsec. (b). Before any ballots are received at any such primary election, and immediately before opening the polls, such managers shall open each ballot box to be used in such primary election, and shall exhibit the same publicly to show that there are no ballots in such box. They shall keep poll lists with the name of each voter voting in such primary election, and shall, before receiving any ballot, administer to the voter an oath that he is qualified to vote according to the rules adopted by said board of commissioners, and that he has not voted before in such election, and that he will abide by the result of the primary election; and, at the close of the primary election, they shall proceed publicly to count the votes and declare the result. They shall certify the result of such primary election and transmit the certificate thereof, with the poll list, ballots and all other papers relating to such election, within twenty-four hours to the town clerk and treasurer of the town of Rowland.

Poll lists.

Result.

"Subsec. (c). Such primary election shall be held on the last Tuesday in April in the year one thousand nine hundred and twenty-five, and on said day in each and every year thereafter at some place in the town of Rowland to be selected by the commissioners, under the rules and regulations prescribed by the board of commissioners of said town of Rowland, and the returns shall be made and the results declared forthwith; and the returns shall be filed in the offices of the town clerk and treasurer of the town of Rowland, and shall remain there for public inspection.

Date.

"Subsec. (d). Any town officer or manager who shall be guilty of willfully violating any of the duties devolving upon him hereunder shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding fifty dollars, or imprisonment not to exceed six months; and any such officer or manager who shall be guilty of fraud or corruption in relation to any such primary election shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars, or im-

Violation
misdemeanor;
penalty.

prisoned for a term of not more than twelve months, or both, in the discretion of the court.

Swearing falsely.

“Subsec. (e). Any voter who shall swear falsely in taking the prescribed oath, or who shall impersonate another person and take the oath in his name in order to vote, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

No registration.

“Subsec. (f). No registration shall be necessary for voting in said primary election, only those persons who were qualified voters at the preceding general election for town officers, as shown by the registration books of the town of Rowland, shall be entitled to vote at such primary election: *Provided*, that if any person not heretofore included in the present limits of the town of Rowland, or any other person, shall give satisfactory evidence to the managers of the primary election that he has become qualified to vote in said primary election since the last general election, he shall be allowed to register and vote in said primary election after taking the oath prescribed herein.

Qualifications.

“Subsec. (g). Except as herein otherwise provided, the qualification of voters in said primary election shall be the same as that prescribed for voters in the general elections held in said town of Rowland for the election of town officers, as now or hereafter provided by law.

Oath.

“Subsec. (h). Every person being allowed to vote at said primary election shall take the following oath, to be administered by one of the managers at said primary election: ‘I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina, not inconsistent therewith; that I am now a duly qualified voter of the town of Rowland; that I am twenty-one years of age; that I have not heretofore voted in the primary election, and that I will abide by the results of this primary election. So help me, God.’

Failure to perform duties; penalty.

“Subsec. (i). It shall be the duty of any person who may be appointed by the board of commissioners of said town of Rowland in any capacity, and accepts the appointment, to perform faithfully the duties of such appointment as provided by this act; and any such person who shall willfully fail or refuse to perform such duties shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine or imprisonment in the discretion of the court.

“Subsec. (j). That, if any voter having participated in one primary election under this act shall vote or attempt to vote in any different primary election held for a similar purpose

during the same year, he shall be guilty of fraudulent voting, and, upon conviction thereof, shall be punished in the same manner and to the same extent as if he had voted illegally in a general election. And any voter having voted once in said primary election who shall vote or attempt to vote a second time in the same primary election shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

Fraudulent
voting.

“Subsec. (k). Any person who shall attempt to influence the vote of another by the use of intoxicating liquors, or shall bribe or offer to bribe any voter by the promise of anything as a reward to be delivered, or service to be performed prior to, at the time of or subsequent to the said primary election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

Attempt to
influence votes.

“Subsec. (l). It shall be the duty of the board of commissioners of the town of Rowland, upon the request of any candidate for any town office, or of any other person in his behalf, and upon the payment of the actual cost of printing the ballots, at least two days before any such primary election is to be held, to have the name of such candidate printed on ballots and the ballots distributed at the voting precincts where such candidate is to be voted for; and the said board of commissioners shall also print upon the said ballots the office for which each person is a candidate: *Provided*, that the said candidate or any one in his behalf may provide said ballots.

Name of
candidate.

Proviso.

“Subsec. (m). The provisions of this act relating to general town elections shall apply to the primary elections as herein provided in so far as the same relate to the hours of such primary elections and the right of challenge therein.”

Application
of act.

Sec. 3. That this act shall be in force and effect from and after its ratification.

Sec. 4. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.

Conflicting
laws repealed.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 111

AN ACT TO REGULATE CLUBS OR ORGANIZATIONS MAINTAINING BILLIARD TABLES IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Pool or billiards.

SECTION 1. That before any club, organization or corporation shall be permitted to maintain any place in the city of Durham where pool or billiards are played it shall first be the duty of such club, organization or corporation to obtain a permit to maintain tables for playing pool or billiards from either the city manager of Durham or the chief of police of the city of Durham.

Failure to comply misdemeanor; penalty.

SEC. 2. Any person, firm or corporation failing to comply with the provisions of section one (1) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense.

Application of act.

SEC. 3. This act shall apply only to the city of Durham.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 112

AN ACT TO PROVIDE FOR THE WORKING OF STREETS IN INCORPORATED TOWNS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Road duty.

SECTION 1. That the commissioners of every incorporated town in Pender County are authorized and directed to require every able-bodied male resident of said towns between the ages of twenty-one and forty-five years to work the streets therein for six days in each year, or in lieu thereof pay not less than three dollars or more than six dollars, the time, manner of payment and amount to be fixed by the town commissioners, all money and labor to be expended on the streets of said towns.

Failure misdemeanor; penalty.

SEC. 2. If any person coming within the provisions of section one fails or refuses to comply with the same he shall be guilty of a misdemeanor and upon conviction fined not more than fifty dollars or imprisoned not exceeding thirty days.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 113

AN ACT TO INCORPORATE THE TOWN OF LEGGETS IN
EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Leggets in the county of Edgecombe be and the same is hereby incorporated by the name of Leggets.

Leggets
incorporated.

SEC. 2. That the corporate limits of said town shall embrace all the territory incorporated in a boundary governed by a radius of one quarter of a mile from the intersection of the Tarboro-Whitaker Road with the Leggets-Scotland Neck Road, said intersection being in front of the store of C. L. Fountain in said town.

Corporate
limits.

SEC. 3. That the officers of said town shall be a mayor and three (3) commissioners, and a town constable or policeman, but may have such other police officers as the mayor and commissioners may appoint.

Town
officers.

SEC. 4. That until the time of the first regular election and the qualifications of the officers elected, the government of said town shall be vested in the following persons: C. L. Fountain, mayor; Mrs. Theodore Fountain, J. T. Lawrence, J. H. Koonce, commissioners, who are authorized to elect the town constable or policeman and such other police officers as they may deem best.

Government
of town until
town election.

SEC. 5. That said town shall have all the powers and be subjected to all of the provisions of the laws of North Carolina as to municipal corporations.

Powers.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 114

AN ACT TO AMEND CHAPTER 359 OF THE PRIVATE LAWS
OF THE SESSION OF 1913, BEING AN ACT TO REVISE
THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and fifty-nine of the Private Laws of one thousand nine hundred and thirteen be amended by adding at the end of section two the following words:

Amendment.

Corporate
limits
extended.

"That the corporate limits of the city of Charlotte as described in this section be and the same are hereby extended so as to include the following territory:

"Beginning at the point of intersection of the corporate city limits line as described in this section with the center line of Floral Avenue and running thence south fifty-one degrees east about nineteen hundred and ninety feet to the center of Sugar Creek; thence with the center of Sugar Creek along and with its meanderings in a northerly direction about two thousand and seventy feet to the point where the corporate city limits line as described in this section intersects with the center line of said Sugar Creek; thence with the corporate city limits line as described in this section south sixty-seven and one-half degrees west about seventeen hundred and fifty feet to a point in Cumberland Avenue; thence with said corporate city limits line as described in this section north eighty-two and one-half degrees west about seven hundred and twenty feet to the beginning point."

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 115

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF THE TOWN OF LILLINGTON TO EXPEND FUNDS DERIVED FROM THE SALE OF ITS ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM.

Preamble.

Whereas, the town of Lillington has sold its electric light and power distribution system for the sum of eight thousand dollars and the sale has been duly approved and ratified by a majority of the qualified voters of the town of Lillington; and

Whereas, there is now in the hands of the treasurer of said town the sum of eight thousand dollars, the proceeds from said sale; and

Whereas, the board of commissioners of the town of Lillington has found it necessary to extend and enlarge the water and sewerage system of said town and to expend money for other necessary expenses: Now, therefore,

The General Assembly of North Carolina do enact:

Commissioners
given
authority.

SECTION 1. That the board of commissioners of the town of Lillington be and is hereby authorized and empowered to use and expend the eight thousand dollars, or any part thereof,

now on hand and in the town treasury, received from the sale of the electric light and power distribution system of said town above referred to, for the extension and enlargement of the water and sewerage system of said town and for other necessary expenses.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 116

AN ACT TO REAPPOINT DR. C. P. BOLLES A TRUSTEE OF THE POLICE PENSION FUND OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Dr. C. P. Bolles is hereby appointed to succeed himself as trustee 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 and shall serve for a term of six years.

Dr. C. P. Bolles
reappointed.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting
laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 117

AN ACT TO INCORPORATE THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Carolina Beach in the county of New Hanover and the State of North Carolina, be and the same is hereby incorporated under the name and style of the town of Carolina Beach; and that Maurice Moore, John W. Plummer and P. Q. Moore, and their successors in office, shall be and they are hereby declared a body corporate and politic, with succession during the corporate existence of said town, and shall be styled the commissioners of the town of Carolina Beach.

Carolina Beach
incorporated.

Rights, etc., of
incorporated
town.

SEC. 2. The town of Carolina Beach shall have all of the rights, privileges, powers, immunities and liabilities which are conferred upon or are incident to incorporated cities and towns by virtue of the laws of the State of North Carolina, and all such as are created, limited, modified or extended by this act; and whenever this act shall be in conflict with or repugnant to the general laws of the State applicable to cities and towns, then this act shall govern and control in so far as the rights, privileges, powers, immunities and liabilities of the town of Carolina Beach are concerned.

SEC. 3. That the corporate limits of the said town shall be as follows:

Corporate
limits.

"Beginning at an iron stake at low-water mark of Atlantic Ocean at the lines between Wilmington Beach and Carolina Beach, on the Atlantic Ocean, and running thence northwardly along the low-water mark of the Atlantic Ocean to Ninth Avenue, as described on map of Carolina Beach; thence westwardly along the southern line of Ninth Avenue to the center of Fifth Avenue; thence southwardly along the center of Fifth Avenue to the intersecting line of Wilmington Beach with the Carolina Beach property, an iron stake; then eastwardly to an iron stake, the point of beginning, low-water mark of the Atlantic Ocean."

Officers.

SEC. 4. That the officers of said corporation shall consist of a mayor and two commissioners, and such other officers as the commissioners may elect; and P. Q. Moore, John W. Plummer and Maurice Moore are named as commissioners under this act, with authority to organize the town government and conduct the same under the provisions of this act, until their successors are duly elected and qualified. All owners of lots within the town limits shall have the right to vote in any election held under this act, and shall be denominated a qualified voter, and shall have the right to vote in any election, by mailing his or her vote to the election board of New Hanover County, who shall have the right to open said ballot at three o'clock p.m., on the day of election and cause same to be deposited and counted.

Mayor.

SEC. 5. *Mayor.* The mayor shall be the chief executive officer of the town and, subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the town, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the town government and shall be the chief representative of the town and shall report to the board any failure on the part of any of

the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the town, unless otherwise provided by law or ordinance or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

SEC. 6. *Commissioner of finance.* The commissioner of finance shall be the purchasing agent of the board of commissioners of the town and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person designated by the board of commissioners; he shall be collector of all taxes; he shall collect all water rents; he shall issue license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, or in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board of commissioners to substitute some one else temporarily to perform any of such duties; he shall have control of all employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the town, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three (3) months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, if he deems it necessary, annually, the accounts of every officer or employee who does or may receive or disburse money, and he shall publish or cause to be published annually statements showing the financial condition of the town; he shall examine or cause to be examined all accounts, payrolls, and claims before they are acted on or allowed unless otherwise provided by law or by order of the board of commissioners; he shall collect all license fees, franchise taxes,

Commissioner
of finance.

rentals, and other moneys which may be due or become due to the town; he shall report the failure on the part of any person, firm or corporation to pay money due the town, he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper. The assessor, auditor, town clerk, town attorney, and their respective officers of departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of finance and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.

Commissioner of
public works.

SEC. 7. *Commissioner of public works.* The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, and repair of the streets and public places, the erection of buildings for the town, making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the town engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and the control of the placing of billboards and street waste paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department and all persons, firms or corporations rendering service in the town under any franchise, contracts, or grant made by the town or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public-service corporations in, along, under or over the streets, and shall report to the board of commissioners of city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper serv-

ice under a franchise granted by the city or State, and shall report any failure on the part of such firm, or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall act for the town, subject to the control of the board of commissioners, in securing all rights-of-way and easements connected with and necessary to the supply of water for the town; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the town; he shall superintend the erection of water tanks and laying of water lines and the operation thereof. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspectors and all other officers and employees of the department of sewers. The department of the town engineer and all employees therein, the department of streets, parks, buildings, and all employees in said department, shall be under the control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, and public parks in the town or belonging to the town, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

SEC. 8. *Commissioner of public safety.* The commissioner of public safety (who is also mayor) shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers and employees; subject to the control of the board of commissioners only; he shall have charge of the police stations, jails, and property and apparatus connected therewith; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected there[with]; and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic in the public streets, alleys and public ways, on and across railway lines and through and over public parks and other public places; he shall, to the extent that the same is now committed to or required of said town, subject to the board of health

Commissioner
of public safety.

of the county and town, and subject to all ordinances, rules and regulations of the said board, have charge of the enforcement of all matters relating to health and sanitation within the town, except as may be in this act otherwise prescribed. He shall be authorized to enter upon private premises for the purpose of discharging the duties hereby imposed upon him, but shall not have the right to enter a dwelling house over objection of the owner or tenant except when authorized.

Duty
commissioners.

SEC. 9. It shall be the duty of each commissioner to recommend to the town purchasing agent the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its order with respect thereto.

Board of
commissioners
given powers.

SEC. 10. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the town or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvements, or repairs which may be specially assessed. It shall make or authorize the making of all contracts and no contracts shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the board of commissioners or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts shall be drawn by the town attorney or submitted to such officer before the same are made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of departments, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners in writing respecting the business of his department, officers or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, or officer employment and such service shall be rendered without additional compensation. The board of commissioners

shall elect and have authority over the town clerk who shall be the clerk of the board of commissioners.

SEC. 11. That each member of the board of commissioners shall devote such of his time and attention to the performance of the public duties herein mentioned as is necessary to fully carry out the same.

SEC. 12. *Nomination and candidates.* All candidates to be voted for at all general municipal elections, at which time a mayor, commissioner or any other elective officer is to be elected under the provision of this act, shall be nominated by the primary election and no other name shall be placed upon the general ballot except those nominated in such primary in the manner prescribed by law. But until such general election is held, John W. Plummer, P. Q. Moore and Maurice Moore are appointed under this act to serve as commissioners until the first Tuesday in June, A.D. one thousand nine hundred and twenty-seven.

Nomination
and candidates.

SEC. 13. *Salaries.* The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be as follows: Mayor and commissioners of public safety, twenty-five dollars (\$25) per annum; commissioner of public works and commissioner of finance, twenty-five dollars (\$25) each per annum. Salaries shall be paid in equal monthly installments.

Salaries.

SEC. 14. *Nomination and election of commissioners.* The mayor and commissioners provided for in this act shall at the regular general election in said town on the first Tuesday in May, one thousand nine hundred and twenty-seven, hold office for the term of two years and until his successor is elected and qualified. The commissioner of finance shall hold office for a term of two years and until his successor is elected and qualified. The commissioner of public works shall hold office for the term of two years and until his successor is elected and qualified. On the first Tuesday in May, one thousand nine hundred and twenty-seven, and every two years thereafter, there shall be elected a successor or successors to that commissioner or commissioners whose term or terms of office shall expire in such year. All commissioners elected after the year one thousand nine hundred and twenty-seven shall hold office for a term of two years.

Nomination and
election of
commissioners.

SEC. 15. Candidates for the office of mayor and commissioners, at the first election hereunder and every two years thereafter, shall be nominated at a primary election which shall be held under such laws as are now in force or may hereafter be enacted in relation to State primary elections in

Primary
elections.

North Carolina, but all candidates to be nominated or elected under this act shall be nominated and elected by the electors of said town at large. If, in any primary election, any candidate shall receive a majority of all votes cast for all candidates for the particular office in the general election. If there be more than two candidates for a particular office and no one of such candidates shall receive a majority of the total votes cast for all candidates for such office, then the two candidates receiving the highest vote in the primary shall be candidates in the general election.

Voting
precincts.

SEC. 16. The county board of elections of New Hanover County shall, before the beginning of the registration period for the primary and general elections in the year one thousand nine hundred and twenty-seven, and as often thereafter as may be necessary, establish and name the voting precincts in said town and define the territory covered by the respective precincts.

Written
notice.

SEC. 17. No name of any person as a candidate for mayor or commissioner under this act shall be placed upon the primary ballot unless and until at least ten days prior to the date fixed for holding such primary, a written notice for which, signed by at least five qualified voters of said town, shall have been filed with chairman of the town board of elections.

Terms of office.

SEC. 18. The terms of office of the mayor and commissioners elected under this act shall begin at noon on the first Tuesday in June of the year in which they are elected, and until the beginning of the terms of office of the mayor and commissioners elected under the act at the election to be held in the year one thousand nine hundred and twenty-seven, the governing body of said town as now constituted shall continue in office.

SEC. 19. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 118

AN ACT TO AMEND CHAPTER 226 OF THE PRIVATE LAWS OF 1923, RELATING TO THE CIVIL SERVICE GOVERNMENT SYSTEM OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and twenty-six of the Private Laws of one thousand nine hundred and twenty-three

be and the same is hereby amended by adding immediately after section seven and before section eight in said chapter a section to be known as section seven and one-half, as follows:

"Section seven and one-half. That the civil service board for the city of Wilmington is to consider and pass on the application of, (1) policemen resigned, making application for reinstatement not more than one year from date of resignation, applicant being more than forty (40) years of age and less than forty-five (45) years of age; (2) firemen resigned, making application for reinstatement not more than one year from date of resignation, applicant being more than thirty-five (35) years of age and less than forty (40) years of age. Applicants for reinstatement must make application through regular channels of civil service board of the city of Wilmington and must be physically fit to perform the duties pertaining to their position. On recommendation of the civil service board, the officials in charge of department may reinstate applicant. All applicants being reinstated, shall, at the expiration of one (1) year of satisfactory service to the department, be given all considerations due, including service seniority. This act shall in no way be construed as compulsory on any of the officials to reinstate any applicant, but shall be at the option of said officials, and upon the recommendation of the civil service board."

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 119

AN ACT TO REGULATE PROMOTION IN THE POLICE DEPARTMENT OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event any member of the police force of the city of Wilmington shall be promoted or shall have been promoted from the ranks to the office of chief of police and thereafter should be demoted by order of the commissioner of public safety or of the board of commissioners to the ranks, such member shall not be demoted to a rank lower than that held by him at the time of his promotion to the office of chief of police: *Provided*, that nothing therein shall be construed Regulation of promotion in police force.

to prevent the removal or suspension of any police officer for misconduct or incompetency in office as now provided by law.

Pension.

SEC. 2. That in the event such member of the police force either while serving as chief of police upon promotion to that office or after demotion to the ranks, shall become eligible to receive a pension as provided for in section twelve, chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen, such member shall be entitled to receive such pension to the same extent as though he had not been promoted to the office of chief of police and the amount of such pension shall be based on the salary which he was receiving in the rank held by him at the time of his promotion.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 120

AN ACT TO AUTHORIZE THE TRUSTEES OF THE FIRST BAPTIST CHURCH OF ELIZABETH CITY, NORTH CAROLINA, TO ERECT A NEW CHURCH BUILDING COVERING A CORNER OF AN OLD GRAVEYARD.

Preamble.

Whereas, the First Baptist Church of Elizabeth City, North Carolina, is contemplating the erection of a new church building on the site of the present building, which site is so limited in space that a building adequate for and suitable to its congregation requires that a corner of the new building be placed on a corner of the old cemetery adjacent to the present building; and

Whereas, said cemetery is not now used as a burying ground, no burials having been made therein within the past twenty years, and by reason of the time which has elapsed since the interments, the next kin or relatives of most of the decedents cannot be located: Now, therefore,

The General Assembly of North Carolina do enact:

Trustees of church authorized build church.

SECTION 1. That the trustees of the First Baptist Church of Elizabeth City, North Carolina, be and they are hereby authorized and empowered to erect a church building upon the southern and eastern portions of the cemetery adjacent to the present building, and in so doing to place the foundation of said building upon and to cover, by the building erected thereon, all graves in said portions of the cemetery that may be there at

the time of the erection of the new building: *Provided*, that said trustees shall give notice of their intention to so erect said building by posting a notice thereof at the courthouse door of Pasquotank County and at three (3) other public places therein, and by publishing said notice in a newspaper published in Pasquotank County once a week for four (4) consecutive weeks; and allow ten (10) days after the completion of said publication for the removal of graves by the relatives. Proviso.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 121

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BROOKFORD IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and thirty of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended by adding the following: "The corporate limits of the town of Brookford shall be extended as follows: Beginning in the center of sand clay road on the Brookford Mills Company and Browder line and running with center of said road one thousand seven hundred and eighty-seven feet to the southeast corner of the Brookford school property; then with the northeast line of said property north forty and three-quarters west six hundred and fifty feet; then south forty-one and one quarter west two hundred and seventy feet; then with the line of the Brookford Mills Company land north thirty-nine west one hundred and thirty-one feet to an iron pipe; then north sixty-two west one hundred and fifty feet; then north eighty-six west two hundred and fifty-eight feet to the line of the Browder lands; then with said line and Brookford Mills Company line, south four west to the point of beginning." Amendment of town charter.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 122

AN ACT TO ENLARGE AND DEFINE THE CORPORATE
LIMITS OF THE TOWN OF LEXINGTON.

Corporate
limits enlarged
and defined.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day in January, one thousand nine hundred and twenty-six, the corporate limits of the city of Lexington shall be as follows: "Beginning at a stone on the right-of-way of the Winston-Salem Southbound Railway Company on the west side of said right-of-way, in the line of the lands of Erlanger Cotton Mills Company and running thence south sixty-nine degrees thirty minutes east two thousand four hundred feet to a stone in old road; thence south eighty-eight degrees thirty minutes east three hundred and sixty feet to a stone on the west side of the Winston-Salem road; thence north two degrees east one thousand one hundred and four feet to a stone on the east side of Winston-Salem road, State Highway number sixty-four; thence south sixty-nine degrees fifteen minutes east two thousand four hundred and thirty-two feet to a stone; thence south forty-one degrees five minutes east crossing the Greensboro road, State Highway number ten, six thousand eight hundred and sixty-two feet to a stone; thence south forty-nine degrees west one thousand seven hundred feet to a stone; thence north forty-one degrees west one hundred and ten feet to a stone; thence south seventy degrees west two thousand five hundred and fifteen feet to a stone; thence south four degrees thirty minutes west one thousand seven hundred and ninety feet to a stone on the south side of the Lexington-Asheboro road, State Highway number seventy-five; thence south fifty degrees thirty minutes east one thousand seven hundred and thirty-five feet to a stone on the north side of the Lexington-Asheboro road, State Highway number seventy-five; thence south thirty-nine degrees thirty minutes west one thousand and eighteen feet to a stone; thence north eighty-five degrees thirty minutes west five thousand one hundred and seventy-seven feet to a stone; thence south four degrees thirty minutes west one thousand eight hundred and eighty-seven feet to a stone; thence north sixty-nine degrees thirty minutes west four thousand eight hundred and twenty-four feet to a stone; thence north twenty degrees thirty minutes east, crossing the North Carolina Railroad and the State Highway number ten, two thousand two hundred and seventy feet; thence south sixty-nine degrees thirty minutes east three hundred and fifty feet to a stone; thence north twenty degrees thirty minutes east four hundred and six feet to a stone on the west side of the right-of-way of the Winston-Salem Southbound

Railway Company; thence north fifty-three degrees west one thousand nine hundred and seventeen feet to a stone; thence north seven degrees thirty minutes east, crossing State Highway route number seventy-five, five hundred and fifty feet to a stone; thence south eighty-three degrees east two thousand 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, north twenty degrees thirty minutes east three thousand two hundred and fifty feet to the beginning."

SEC. 2. That from and after the ratification of this act the town of Lexington shall be designated as "city" of Lexington.

"City" of
Lexington.

SEC. 3. That the new territory annexed to the corporate limits of Lexington and embraced in the boundaries set out in section one in this act shall become parts of the wards to which same may be adjacent, the present dividing lines between the wards to be extended to the limits of the territory of the city as defined in this act.

Annexed
territory.

SEC. 4. That the school commissioners of Lexington and the board of education of Davidson County are authorized and empowered to make such arrangements and provisions as in their opinion may seem best for providing public schools for the children of school age that live outside the present corporate limits of Lexington and within the territory annexed by this act.

School
commissioners
given
authority.

SEC. 5. That all acts or parts of acts in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 6. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 123

AN ACT TO INCORPORATE CEDAR GROVE ACADEMY IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Rev. W. M. Warner, Rev. W. H. Harrison, Rev. David Price, Rev. C. J. Springfield, Rev. J. H. Williams, Rev. C. W. Crutchfield, Rev. William Morton, Rev. J. H. Love, Rev. S. L. Badget, Rev. J. W. Wiley, Henry Richmond and G. Smith, and their successors, are hereby constituted a corporate body to be known and designated as the board of trustees of Cedar Grove Academy, and by that name and style shall continue for a period of ninety-years and they and their successors in office may in their corporate name sue or be sued,

Board of
trustees
Cedar Grove
Academy.

Powers.

and they shall have the power to make contracts, and to adopt a corporate seal. It shall be the duty of said board of trustees to maintain and operate Cedar Grove Academy, a negro school located in Person County, belonging to the Cedar Grove Missionary Baptist Association; they shall have the power and authority, under such rules and regulations as may be made by the said association, to provide a curriculum for said school, and to change same from time to time; to employ teachers and provide for the payment of their salaries; to make rules for the governing of said school, and to do such other things as may be necessary for the operation thereof. And they shall have the power to acquire by gift or purchase and to hold for the use and benefit of said school real and personal property, and dispose of same in accordance with the rules and regulations made by the said association, or in the absence of such, then according to rules and regulations made by themselves; to convey real property by deed, deed in trust or mortgage, same to be executed by the chairman and attested by the secretary, who shall affix thereto the corporate seal of said board: *Provided*, that no real property shall be so conveyed except as authorized by said association.

Duties.

Proviso.

Election of successors.

SEC. 2. That members of said board of trustees shall hold office until their successors have been elected and qualified in the following manner, to wit: At its regular annual session in the year nineteen hundred and twenty-five, the Cedar Grove Missionary Baptist Association aforesaid shall elect twelve persons as members of said board of trustees, four of whom shall be elected for a term of one year; four for a term of two years; and four for a term of three years. And at its annual session in the year nineteen hundred and twenty-six, and annually thereafter the said association shall elect four members of said board of trustees for a term of three years, all of whose terms of office shall begin immediately after their election and qualification, and shall continue until the election and qualification of their successors respectively: *Provided, however*, that no one shall be eligible to membership on said board of trustees who is not either an ordained minister of the colored Missionary Baptist Church, or a member in good standing of one of the churches composing said association: *Provided further*, that in case of a vacancy occurring on said board of trustees by resignation, death or other cause, the remaining members may elect some eligible person to supply such vacancy during the unexpired term of the member so dying, resigning or withdrawing from said board. The said board shall at its first meeting after the passage of this act elect from its number a chairman and a secretary who shall hold office until their successors are elected and qualified; and

thereafter, annually, at its first meeting after every annual election of members, it shall proceed to reorganize by the election of a chairman and a secretary for the current year, who shall hold office until their successors are elected and qualified.

SEC. 3. The said board of trustees shall meet annually at the said school at such time as may be by them fixed, and they shall meet at such other times as they may designate by resolution, and at such times as they may be called together by the chairman. And they may appoint from their number an executive committee composed of not less than three members, of which committee the chairman of said board of trustees shall be chairman ex officio.

Meetings of trustees.

SEC. 4. The said board of trustees shall cause the said school to be conducted for the promotion of the literary, scientific, moral and spiritual training of its students, and there may be established and maintained in said school one or more courses in theology.

Conduction of school.

SEC. 5. Whenever the resources and equipment of said school shall justify it, the said board of trustees may by appropriate action and by proper changes of curriculum, and teaching force convert said school into a college, and at such time the name Cedar Grove Academy may be changed to Cedar Grove College; and the corporate name of said board of trustees may also be changed accordingly: *Provided, however*, that such action shall not in any case be adopted without the full sanction and approval of the aforesaid association.

Change into college.

Proviso.

SEC. 6. The said board of trustees may elect a treasurer for said school and fix the amount of his bond. The board may elect one of its own number treasurer, or otherwise, in its discretion, and it may fix the term of office of said treasurer not exceeding two years: *Provided, however*, that for cause the treasurer may be at any time removed by said board.

Election treasurer.

Term of office.

SEC. 7. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 124

AN ACT TO AMEND CHAPTER 48, PRIVATE LAWS OF 1911, INCORPORATING THE TOWN OF BANNER ELK.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Banner Elk in the county of Avery shall continue to be as heretofore a body corporate under

Amendment.

the name and style of "the town of Banner Elk" and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property both real and personal for the use of the town, adopt a common seal, have all the privileges and immunities, and all the powers granted by statute and those necessarily implied by law.

Officers
of town.

SEC. 2. That W. C. Tate, the present mayor of the town of Banner Elk, F. H. Stinson, Edgar H. Tufts and R. C. Lowe, the present commissioners, and S. W. Culver, the present marshal, be and the same are hereby declared to be the officers of said town and as such shall hold their respective offices until their successors are duly elected and qualified as hereinafter provided.

Corporate
limits.

SEC. 3. That the corporate limits of the town of Banner Elk shall be and remain as they are now, that is to say: Beginning at S. W. Culver's southeast corner of his ten acre tract in Mrs. M. L. Hall's line on the side of the Horse Bottom ridge, running a northwesterly course with said Hall's line to her northwest corner; thence same course to the top of the ridge in the Dugger mountain field; thence a direct line to F. H. Stinson's hemlock corner; thence west with the line of said Stinson, Michael Banner and L. D. Lowe to L. D. Lowe's line to the creek; thence down with the meanders of the creek to a point where said creek approaches the margin of the turnpike road below R. L. Hodge's store; thence south to Elk Creek; thence up with the meanders of the creek to the foot bridge at the head of the S. H. Banner mill pond; thence with the top of the Horse Bottom ridge to the high knob; thence to the first station.

SEC. 4. That the officers of the town of Banner Elk, North Carolina, shall consist as heretofore of a mayor and three commissioners to be elected by ballot on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter on the said first Monday in May; also a town marshal and clerk to the board, to be chosen by the board of town commissioners, to hold their offices for a term of two years or until their successors are duly elected and qualified and for that purpose an election is hereby ordered to be held on the said first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter for the purpose aforesaid. The said election shall be held under the same rules and regulations as prescribed by law for holding municipal elections in this State.

Board of
commissioners
given power.

SEC. 5. That the board of commissioners of said town of Banner Elk shall have power to lay out and open up streets and alleys; to build concrete sidewalks, construct bridges and culverts, to condemn land for the purpose of making new streets or widening or lengthening those already made, to macadamize certain

streets, and make any necessary improvements for the use and convenience of the town.

SEC. 6. That when it becomes necessary to acquire any land for the purpose of opening up any new street or the widening of any street already open and for want of agreement with the owner as to the value of said land, and if the same cannot be purchased from the owner at a fair price the same may be condemned and taken at a valuation, the same to be made by three disinterested freeholders, to be chosen, one by the landowner, one by the commissioners of the town, and the two thus chosen may choose the third, or if the landowner shall fail or refuse to choose a freeholder as above directed the town commissioners may choose two, who shall elect a third; and in making said valuation the men selected after being duly sworn by some officer qualified to administer oaths shall take into consideration the loss or damage which may occur to the owner in consequence of the land being condemned and also any benefit or advantage such owner may receive by the opening or widening of such street or other improvement, and ascertain the sum assessed to be paid to the owner of said property, if any they find due, and report the same to the commissioners under their hands and seals, which report on being confirmed and spread upon their minutes shall have the effect of a judgment against said board of commissioners and shall also pass the title to the land to said board of commissioners in their corporate capacity for the use of the town. But nothing herein shall prevent either party from appealing to the Superior Court in case of dissatisfaction with the findings and report of the jury so chosen: *Provided*, such appeal shall not hinder or delay the opening or widening of any street or stop the work on any other necessary improvement.

Land for
streets, etc.

Valuation.

Appeal.

SEC. 7. All male persons residing in the town of Banner Elk between the ages of eighteen and forty-five years shall be required to work on the streets of said town five (5) days in each year, and such work on the streets aforesaid shall exempt such persons from work on any other public road in the county: *Provided*, that if any person who is or may be liable to work on the streets aforesaid shall pay to the marshal of the town two dollars on the day before he is notified to work, the same shall be accepted in lieu of such work, and the sum so collected shall be paid over to the use of the town by the marshal or overseer whose duty it is to collect it. If any person who is liable to work on the streets as aforesaid who refuses to work the streets when notified to do so and fails and refuses to pay the sum of two dollars as aforesaid shall be deemed guilty of a misdemeanor and upon con-

Road duty.

Refusal;
penalty.

viction be fined not less than five nor more than ten dollars for each and every offense.

Taxes.

SEC. 8. The board of commissioners of the town of Banner Elk shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real and personal property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property whatever and all taxable polls within the limits of said town: *Provided, however,* that the taxes levied by said commissioners shall not exceed fifty cents on the hundred dollars valuation on all real and personal property and one dollar and fifty cents on each taxable poll, and the valuation on all town property shall be the same as assessed for taxation for State and county purposes.

Payment of taxes.

SEC. 9. That all taxes levied by said town commissioners shall be due and payable on the first day of October of each year to the town marshal or tax collector appointed by the commissioners, and in the matter of the collection of the taxes aforesaid the town marshal or tax collector appointed by the commissioners aforesaid shall have all the power conferred on sheriffs in the matter of the collection of taxes due for State and county purposes and the said town marshal or tax collector shall have power to sell any personal property for the nonpayment of taxes and shall have power to sell real estate under the same rules and regulations as land is now sold by the sheriff for the nonpayment of taxes and make title in fee to the purchaser thereof, and such deed shall be construed to be prima facie evidence of title to all intents and purposes the same as if the land had been sold by the sheriff.

Privilege taxes.

SEC. 10. That the commissioners of the town of Banner Elk shall have the power to levy and cause to be collected privilege taxes on all traveling shows or sleight of hand performances or exhibitions of any kind not of a religious or educational character.

Town ordinances.

SEC. 11. That the commissioners of the town aforesaid shall have power and authority to pass and proclaim such town ordinances for the better government of the town as may seem necessary and proper.

Marshal to give bond.

SEC. 12. That the marshal of the town before entering upon the discharge of his duties as town marshal shall enter into a bond of five hundred dollars with approved security, payable to the town for the faithful discharge of his duties of the office, and whenever said marshal or tax collector appointed by the commissioners shall receive the tax books he shall enter into a bond, approved by the board of commissioners, in the sum of double the amount of the tax books. Such bonds shall be filed with the records of the town.

SEC. 13. That the jurisdiction of the mayor of the town of Banner Elk shall be the same as a justice of the peace, receiving the same fees as justices for similar duties, and any violation of a town ordinance shall be deemed a misdemeanor, triable before the mayor, who may upon his own motion issue his warrant for any person guilty of an offense when he is reasonably satisfied that an offense has been committed.

Jurisdiction
of mayor.

SEC. 14. That the commissioners of the town may require and compel the abatement of nuisances; have the power to remove or cause to be removed any old barn or other building when too near the street as to be offensive or a menace to health. But nothing herein shall be construed to authorize the removal or destruction of any house or barn without first giving notice to the owner of such intention and to pay to such owner what is reasonable and just as compensation for such removal or destruction.

Nuisances.

SEC. 15. That the marshal or tax collector of the town of Banner Elk is hereby authorized and empowered to collect all the arrears of taxes now appearing on the tax books as may be due for the years one thousand nine hundred twenty-two, one thousand nine hundred twenty-three and one thousand nine hundred twenty-four, and is hereby empowered to make immediate collection of the same by distraint and sale of personal property belonging to the delinquent taxpayer and to advertise and sell any real estate belonging to any delinquent taxpayer within the limits of the town and any sale made by him of either real or personal property is hereby validated.

Arrears
of taxes.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 125

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STOVALL IN GRANVILLE COUNTY, NORTH CAROLINA, BEING CHAPTER 436 OF THE PRIVATE LAWS OF THE SESSION OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-six of the Private Laws of North Carolina at its session of one thousand nine hundred and seven be and the same is hereby amended by

Amendment.

placing a comma after the word "commissioners," in line two of section three of said act, and by striking out all of said line from said comma to the word "who."

Amendment.

SEC. 2. That section four of said act be amended by adding at the end thereof the following: "The said commissioners shall qualify and enter upon the duties of their office on the first Monday after their election, and shall appoint a chief of police, and such other policemen as may be necessary for the maintenance of order in said town."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 126

AN ACT TO AUTHORIZE THE PEOPLE OF THE TOWN OF CONNELLY SPRINGS, BURKE COUNTY, TO VOTE UPON THE QUESTION OF A REPEAL OF THE CHARTER OF SAID TOWN.

Preamble.

Whereas, the town of Connelly Springs in Burke County was chartered under the provisions of article thirteen of chapter fifty-six of the Consolidated Statutes of North Carolina; and whereas, many citizens of said town have petitioned the legislature to repeal said charter, and many citizens have announced their opposition to such repeal; and whereas, it is impossible to ascertain the will and desire of the people of said town without submitting the question to a referendum: Now, therefore,

The General Assembly of North Carolina do enact:

Question submitted to voters.

SECTION 1. That the question of repealing the charter of the town of Connelly Springs shall be submitted to the registered and qualified voters of said town at an election to be held in said town on Tuesday, the fifth day of May, in the year one thousand nine hundred and twenty-five. That the board of elections of Burke County is hereby directed, authorized and empowered to hold and conduct said election under the same rules and regulations as apply to the election of members of the General Assembly as near as may be. That the said board of elections shall fix a place for holding said election in said town and shall appoint a registrar and two judges of election to open, hold and conduct said election and report the result thereof to said board of elections, who shall canvass the same and declare the vote and result of such election, and the same shall be spread upon the minutes of said board; that prior to the time of said election the

said board of elections shall order a new registration of the voters residing in said town, and none shall be permitted to vote in said election save and except such duly qualified voters and electors as reside in said town and who shall have been duly registered at such new registration; that at said election those favoring a repeal of the charter of said town shall vote a ballot on which shall be written or printed the words "For repeal of charter," and those opposing it shall vote a ballot on which shall be written or printed the words "Against repeal of charter"; that the expenses of holding said election shall be paid out of the general fund of the town of Connelly Springs and shall constitute an indebtedness of said town. That if at said election a majority of the qualified votes cast shall be for the repeal of said charter, then and in that event the charter of said town shall be repealed, abrogated and set aside; that if a majority of the votes cast shall not be for a repeal of said charter, then and in that event said charter shall remain in full force and effect.

SEC. 2. That in the event a majority of the votes cast in said election shall be for repeal of the charter of said town, it shall be the duty of the mayor and the board of aldermen of said town to file immediately with the board of commissioners for Burke County an itemized statement of the indebtedness of said town then existing with the names of all of its creditors and a statement of the amount due each creditor, which itemized statement shall be duly verified by said officials; that thereupon it shall be the duty of the board of commissioners of Burke County to levy a tax upon all polls and real and personal property within the territory embraced within the present corporate limits of said town at such rate as the charter of said town has heretofore authorized for the purpose of paying the said indebtedness, and the said board of commissioners of Burke County shall cause the same to be collected by the sheriff of Burke County in like manner as county taxes are collected, and when said taxes are collected the said board of commissioners shall cause the same to be applied in payment of the indebtedness of said town; that in carrying out the provisions of this section the said board of commissioners shall appoint a tax lister and cause said polls and property to be listed for taxation in like manner as the law now directs with respect to listing polls and property for county taxation; that in the event the officials of said town shall fail to file a statement of the indebtedness of said town as hereinbefore provided the said board of commissioners shall ascertain for themselves the indebtedness of said town and cause the same to be paid in the manner above prescribed.

In case vote
for repeal.

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 force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 127

AN ACT TO AMEND CHAPTER 209 OF THE PRIVATE LAWS OF 1907 AS AMENDED BY CHAPTER 208 OF THE PRIVATE LAWS OF 1913 TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That subdivision twenty-five, section forty, chapter two hundred and nine, Private Laws of nineteen hundred and seven as amended by chapter two hundred and eight of the Private Laws of nineteen hundred and thirteen, entitled "An act to amend the charter of the city of Rocky Mount," be and the same is hereby amended by adding after the word "others" and before the word "and," in line seven thereof, the following, "both within and without its corporate limits."

Amendment.

SEC. 2. That subdivision thirty-five, of section forty of the aforesaid act as amended by and the same is hereby amended by adding after the word "customers" and before the semicolon following said word, in line six thereof, the following, "both within and without its corporate limits."

Conflicting
laws repealed.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 128

AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS TO ENLARGE AND IMPROVE ITS WATER AND SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

Bond issue
authorized.

SECTION 1. That the board of aldermen of the town of Marion is hereby authorized and empowered to issue bonds in an amount, or amounts, not exceeding thirty-five thousand dollars (\$35,000),

for the purpose of extending, enlarging and improving the water and sewerage system of said town and installing a sewerage disposal plant, all of which is necessary to the public welfare and the health of the citizens of said town, at such time, or times, and in such amount, or amounts, as may be deemed expedient by said board; said bonds to be in denominations fixed by the board, bearing interest from date thereof upon the total issued at a rate not exceeding six per centum (6%) per annum, with interest coupons attached, payable semiannually at such time and place as may be deemed advisable by said board; said bonds to be of such form and tenor, and transferable in such manner and the principal thereof payable or redeemable in such amount, or amounts, at such time or times, not exceeding thirty (30) years from the date thereof, and at such place or places, as the said board of aldermen may determine; each of said bonds to state on its face that same was issued for the necessary expense of extending, enlarging and improving the water and sewerage system of said town, and installing a sewerage disposal plant.

Form; rate of interest; payment.

SEC. 2. That the bonds issued under and by virtue of this act shall not be sold for less than their par value.

Sale of bonds.

SEC. 3. That for the purpose of providing for the payment of the interest accruing on and the principal of said bonds at maturity, the board of aldermen of the said town shall annually, at the time of levying other town taxes, levy and lay a sufficient tax upon all the property and subjects of taxation on which the said board of aldermen now or may hereafter be authorized to levy taxes. The tax thus provided shall be collected at the time and in the manner other town taxes are collected, and shall be accounted for and kept separate and apart from other town taxes, and shall be applied exclusively to the purpose for which they were levied and collected.

Special tax.

SEC. 4. That the provisions of this act shall be in addition to the power and authority granted to the board of aldermen under the charter of the town and the general laws of North Carolina.

Additional powers.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 129

AN ACT TO AMEND H. B. 589, S. B. 533, RELATING TO BOND
ISSUE FOR THE TOWN OF FOREST CITY, RUTHERFORD
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill five hundred and eighty-nine, Senate bill five hundred and thirty-three, being an act entitled "An act to authorize the town of Forest City to issue bonds for street improvements, and for sewerage, waterworks and electric light improvements," passed by the General Assembly of North Carolina at its present session, be and the same is hereby amended as follows: That section four of said act shall be changed to read as follows, to wit:

Amendment.

"Section four. Said bonds herein provided for shall be serial and shall be made payable and shall fall due as follows: six thousand dollars (\$6,000) per year for the years of nineteen hundred and twenty-eight to nineteen hundred and thirty-seven both inclusive, ten thousand dollars (\$10,000) per year for the years nineteen hundred and thirty-eight to nineteen hundred and forty-seven both inclusive, and fifteen thousand (\$15,000) per year for the years nineteen hundred and forty-eight to nineteen hundred and fifty-three both inclusive. The said bonds and their coupons shall be in such form as may be prescribed by the mayor and board of commissioners of said town, and shall be numbered and the said bonds shall be signed by the mayor and attested by the clerk of said town, and sealed with the corporate seal thereof, and the said coupons shall bear a lithographed facsimile of the signature of the said mayor, and shall be payable at such place as may be designated by the said board of commissioners."

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 130

AN ACT TO PERMIT THE CITY OF ASHEVILLE TO ACQUIRE
SITES FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the city of Asheville are hereby authorized to condemn lands for school buildings and grounds, and for school purposes generally, not only for the erection of new buildings, but also for additional grounds to be used in connection with buildings now or hereafter erected, such condemnation to be made in the same manner and under the same rules and regulations and procedure as are now provided for the condemnation of lands for streets as contained in the acts of the General Assembly relating to the charter of the city of Asheville, or the said board may in its discretion condemn such lands in the same manner and under the rules and regulations as contained in chapter fifty-three, Consolidated Statutes, entitled "Eminent Domain."

Site for
school purposes.

Condemnation.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting
laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 131

AN ACT TO REGULATE COMPULSORY ATTENDANCE IN
SCHOOLS IN THE TOWN OF SPRUCE PINE IN MITCHELL
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every parent, guardian, or other person in the town of Spruce Pine, Mitchell County, or within a radius of one mile of said town, having charge or control of a male child residing in said territory, between the ages of fourteen and seventeen years, inclusive, said child not having attained to the standard now in force in the public schools for completion of the sixth grade, shall cause such child to attend school continuously for a period equal to the time which the public schools in the said town shall be in session.

Compulsory
school
attendance.

SEC. 2. That it shall be the duty of the principals, or teachers of such schools within said town of Spruce Pine to report weekly any violation of section one of this act to the school committee,

Violation
of act.

county superintendent and public welfare officer, if there be one, whereupon it shall be the duty of such county superintendent or public welfare officer to enforce the provisions of this act as now provided by the general compulsory attendance law.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 132

AN ACT TO RATIFY AND VALIDATE SCHOOL BONDS OF CATAWBA SPECIAL TAX SCHOOL DISTRICT NUMBER TWO, CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings, including the election proceedings leading up to and including the sale, delivery and receipt of payment of fifteen thousand dollars (\$15,000) school bonds of Catawba special tax school district number two, Catawba County, dated June sixth, one thousand nine hundred and twenty-one, and due June sixth, one thousand nine hundred and forty-one, which bonds were voted at an election held April ninth, one thousand nine hundred and twenty-one, are hereby ratified, and the said bonds are hereby declared valid and binding obligations of said district, payable from the tax voted.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 133

AN ACT TO VALIDATE THE ESTABLISHMENT OF JONESVILLE SPECIAL SCHOOL TAX DISTRICT IN YADKIN COUNTY AND TO VALIDATE AN ELECTION HELD IN SAID DISTRICT ON THE 24TH DAY OF JULY, 1923, AND TO VALIDATE AND AUTHORIZE THE ISSUING OF \$12,000 SCHOOLHOUSE BONDS VOTED AT SAID ELECTION.

Whereas, the board of education of Yadkin County, North Carolina, in compliance with the law governing such matters did properly set up and establish Jonesville special school tax district, which district was formerly known as district number one of Knobs Township; and

Bonds
validated.

Preamble.

Whereas, an election was held in the said school district on the twenty-fourth day of July, one thousand nine hundred and twenty-three, under the provisions of law, at which election the voters of the said school district approved the issuing of twelve thousand dollars (\$12,000) of bonds for the purpose of building and equipping a schoolhouse in said district; and

Whereas, the records of the establishment of the said school district have been lost, or misplaced and for that reason it has not been possible to secure the approving opinion of bond attorneys, making possible a sale of the bonds: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That each and every act of the board of education of Yadkin County in connection with the establishment and setting up of the said Jonesville special school tax district be and the same is hereby in all respects validated, and the said Jonesville special school tax district is declared to be and was on the twenty-fourth day of July, one thousand nine hundred and twenty-three, a lawfully established and existing school district with authority to vote and issue bonds for the purpose of erecting school buildings notwithstanding the loss of the original record in establishing the same.

Acts
validated.

Bond issue
authorized.

SEC. 2. That the election held in Jonesville special school tax district in Yadkin County, on the twenty-fourth day of July, one thousand nine hundred and twenty-three, to authorize the issuing of schoolhouse bonds of said school district to an amount not exceeding twelve thousand dollars (\$12,000) and all proceedings done and taken in or about the calling, holding, or the determination of results of said election, or in the registration of voters of said election, and also all acts and proceedings thereafter taken relating to the returns of the said election, and the acts of the board of county commissioners in passing on and declaring the result of said election are hereby in every respect validated, and the board of county commissioners of Yadkin County are hereby authorized to issue said bonds in the manner provided by law.

Election, etc.,
validated.

SEC. 3. All laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 4. That this act shall be in full force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 134

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WINTON.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter sixteen of the Public-Local Laws of the extra session of one thousand nine hundred and twenty-one, section sixteen, be and the same is hereby amended by inserting after the word "exceed," in line nine, section sixteen, and the word "on," in said line, the words "one dollar."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 135

AN ACT VALIDATING CERTAIN BONDS OF TRENTON SCHOOL DISTRICT, JONES COUNTY.

The General Assembly of North Carolina do enact:

Bonds validated.

SECTION 1. All bonds of Trenton school district heretofore authorized at any election are hereby validated and when sold either at public or private sale may be delivered accordingly, notwithstanding any irregularity in the calling or holding of such election, or in the proceedings authorizing such bonds, and notwithstanding the amount of such bonds.

Special tax.

SEC. 2. For the purpose of paying the principal and interest of all such bonds, as the same may become due, the board of county commissioners of Jones County or any other body authorized by law to levy the taxes to pay such principal and interest is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district, which special tax shall be in an amount sufficient for the said purpose and shall be in addition to all other taxes authorized to be levied in the said school district.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 136

AN ACT TO VALIDATE NOTES ISSUED BY THE CITY OF FAYETTEVILLE FOR BRIDGE CONSTRUCTION AND TO AUTHORIZE THAT CITY TO ISSUE BONDS TO FUND SAID NOTES.

The General Assembly of North Carolina do enact:

SECTION 1. That thirty-five thousand dollars notes issued by the city of Fayetteville for the construction of bridges within said city, the same being a necessary purpose, and said notes now being outstanding, are hereby validated.

Notes validated.

SEC. 2. That said city is hereby authorized to issue bonds for the retirement of said notes in the manner provided by the Municipal Finance Act for the issuance of funding bonds.

Bond issue authorized.

SEC. 3. That all the taxable property in said city, as it now exists or as it shall be extended, shall be subject to the levy of a tax for the payment of the principal and interest of said bonds, as provided by the Municipal Finance Act.

Special tax.

SEC. 4. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 137

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM GIVING THE BOARD OF ALDERMEN POWER TO REGULATE THE ERECTION OF GASOLINE FILLING STATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the city of Winston-Salem, Private Laws, one thousand nine hundred and fifteen, chapter one hundred eighty, be and the same is hereby amended by inserting the following section after section forty-four (A) thereof.

Amendment.

"Section forty-four (B). The board of aldermen of the city of Winston-Salem shall have the power to enact ordinances in such form as they deem advisable to regulate the construction and location of gasoline filling stations, and to grant permits therefor."

Charter changed.

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 138

AN ACT TO INCREASE THE COSTS IN THE MAYOR'S COURT
OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Increase costs
mayor's court.

SECTION 1. That in computing the court costs in the mayor's court of the city of Goldsboro there shall be charged and taxed the sum of two dollars for each warrant issued by the mayor and the sum of two dollars and fifty cents for each arrest made by any officer of the city.

Conflicting
laws repealed.

SEC. 2. All laws in conflict with this act are hereby repealed.
SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 139

AN ACT TO REPEAL CHAPTER 361, PRIVATE LAWS OF
1915, AND AMEND CHAPTER 367, PRIVATE LAWS OF
NORTH CAROLINA, SESSION 1905, THE SAME BEING AN
ACT TO INCORPORATE THE TOWN OF CORNELIUS.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter three hundred sixty-one, Private Laws, nineteen hundred fifteen, is hereby repealed.

Amendment.

SEC. 2. That chapter three hundred sixty-seven, Private Laws of nineteen hundred five, be and the same is hereby amended by striking out section two thereof and inserting in lieu of said section two the following: That the corporate limits of said town shall be as follows: Beginning at an iron stake, which stake is north eleven degrees nineteen minutes east three thousand fifty-five feet from the northeastern corner of the original A. T. & O. R. R. depot; thence due east twenty-four hundred feet to an iron stake; thence due south six thousand feet to an iron stake; thence due west six thousand feet to an iron stake; thence due north six thousand feet to an iron stake, thence due east twenty-four hundred feet to an iron stake, thence due north sixteen hundred thirty-nine feet, more or less, to an iron stake in the line of the town of Davidson; thence with the line of the town of Davidson south seventy-one degrees east twelve hundred sixty-nine feet to a stake; thence due south twelve hundred twenty-six feet, more or less, to the beginning.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 140

AN ACT TO ENLARGE THE CIVIL JURISDICTION OF THE RECORDER'S COURT OF ROCKY MOUNT AND REGULATE THE PROCEDURE IN SAID COURT, AMENDING CHAPTER 208, PRIVATE LAWS OF 1913 AS AMENDED BY CHAPTER 144 OF PRIVATE LAWS OF 1923.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eight of the Private Laws of nineteen hundred and thirteen, entitled "An act to amend the charter of the city of Rocky Mount," as amended by chapter one hundred and forty-four of the Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended as follows: Amendment.

Subsec. 1. By striking out in section four of said act the words "one thousand," in the fourth line of subsection two of the amended section twenty-eight of the charter of the city of Rocky Mount, and inserting in lieu thereof the words "five thousand."

Subsec. 2. By striking out in section four of said act the words "five hundred," in the fifth line of subsection three of the amended section twenty-eight of the charter of the city of Rocky Mount, and inserting in lieu thereof the words "five thousand."

Subsec. 3. By adding in section four of said act, at the end of the first sentence and after the word "appear," in the sixth line of amended section twenty-nine, the following words: "and any civil action which may properly be brought in the Superior Courts of either Nash or Edgecombe counties under said provisions of law relating to revenue, may, if within the jurisdiction of said recorder's court, be brought in the recorder's court of Rocky Mount."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 141

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TUNIS.

The General Assembly of North Carolina do enact:

SECTION 1. That Private Laws of one thousand and nine hundred and nine, chapter three hundred and eight, incorporating

the town of Tunis, be amended by striking out section seven and inserting in lieu thereof the following:

Amendment
poll tax \$1,
property tax
50 cents
on \$100
valuation of
property.

“Sec. 7. That the commissioners shall have power to levy a tax not to exceed one dollar on the poll and not to exceed fifty cents on the one hundred dollars valuation of property.”

SEC. 2. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 142

AN ACT TO AMEND THE CHARTER OF THE WARSAW HIGH AND GRADED SCHOOL DISTRICT CONSOLIDATED.

The General Assembly of North Carolina do enact:

Consolidated
school district.

SECTION 1. That the territory embraced within the Warsaw high and graded school district as it appears in chapter two hundred and forty-eight Private Laws of nineteen hundred and nine, and Lanefield special tax district, Pollock special tax district and Bowden special tax district, now located in Warsaw high and graded school district consolidated as each of them appears upon the records of the board of commissioners of Duplin County as heretofore established, and nearly coterminous with the boundary lines of Warsaw Township, Duplin County, said State, shall be and the same is hereby created and continued one consolidated school district for white and colored children to be known as the Warsaw high and graded school district consolidated and that the indebtedness to the county board of education of Duplin County in the sum of fifty-five thousand dollars (\$55,000) with interest at four per cent per annum, for money lent to said district by said county board of education, under the provisions of chapter one hundred and thirty-six, article twenty-five of the Public Laws of nineteen hundred and twenty-three, payable in twenty installments as set out in a note executed by the chairman and secretary of the Warsaw high and graded school district consolidated for the purpose of erecting a high school building, be and the same is hereby declared a debt due and owing by said district as the installments shall fall due and the same is to be discharged as hereinafter set forth.

Debt due.

Body corporate.

SEC. 2. That said board of school trustees and their successors in office shall be and they are hereby constituted a body corporate by the name and style of the Warsaw high and graded school district consolidated, and by that name they may sue and be sued, plead and be impleaded, contract and be contracted with,

acquire by gift, purchase or devise, real and personal property, hold and exchange, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and shall have a corporate seal. All the property both real and personal now, or hereafter belonging to the schools of said consolidated district, and such as is used for school purposes, shall be vested in and controlled by the said board of school trustees, and their successors, and shall exercise such other powers as may be necessary for the successful control and operation of said school.

Trustees to have control.

SEC. 3. That on the first Monday in July, nineteen hundred and twenty-five, and annually thereafter, on said date, the said board of school trustees shall hold a meeting and elect from among their number a chairman and secretary, and also a treasurer, who may not be a member of the board. It shall be the duty of the chairman to preside at all meetings, and generally to see that all orders of the said board are carried out. The secretary shall keep an accurate record of all meetings, and the acts and orders of said board, and the treasurer shall receive and hold all school funds coming into his hands and disburse the same, from time to time, as may be directed by the said board, and shall make monthly reports to said board of all receipts and disbursements by him during the preceding month. The said board shall require the said treasurer to give such bonds as it may deem necessary for the sufficient protection of said school funds or other property entrusted to his care.

Election chairman, etc.

Duties of chairman.

Treasurer to give bond.

SEC. 4. That it shall be the duty of the board of commissioners of Duplin County to levy annually a tax of not more than thirty cents on the one hundred dollars valuation of all real estate and personal property actually or in contemplation of the law, situated within the territorial limits of said school district for the support and maintenance of the said high and graded schools in said district, and to discharge the annual installments of said debt owing to the county board of education of Duplin County, or any debt hereafter contracted with said board of education by said board of trustees of said Warsaw high and graded school district consolidated. The amount to be levied each year by said board of commissioners of said county to be determined by the said board of school trustees and reported or certified to said board of county commissioners at or before the usual time of making levy of taxes for county purposes; and the amount so determined and certified by said board of school trustees shall be levied by the said board of county commissioners and the taxes so levied shall be collected, together with other special taxes for school purposes levied for said schools by the district tax collector, and shall be paid over to the treasurer of said board

Special tax.

Collection of taxes.

Use. of school trustees as collected, and to be used for the operation of the schools of said consolidated district, and for paying off the indebtedness due said county board of education as set out herein as said installments shall become due and for no other purpose.

Proceeds. Sec. 5. That all funds apportioned to said district by the county board of education from the State and county, or other school funds, and all funds derived from the levy of the said special tax under the provisions of this act and previous acts or laws, shall be turned over to the treasurer of said district, and shall be apportioned and used under the direction of said board of school trustees for the support and maintenance of all the schools in said consolidated district, and all moneys paid out by said treasurer shall be upon the order of the school trustees, and signed by the chairman and secretary thereof.

Appointment tax collector. Sec. 6. There shall be appointed by the board of school trustees of the Warsaw high and graded school district consolidated, in the county of Duplin, at its regular meeting on the first Monday in September, nineteen hundred and twenty-five, and annually thereafter, a tax collector, who shall be a resident of said consolidated district, to collect all special school taxes of said Warsaw high and graded school district consolidated, except such school taxes as are levied by Duplin County upon all the property in the county, who shall hold his office for one year and until his successor is appointed and qualified. The said board of trustees may remove said tax collector for cause: And shall fix and provide for his compensation; and his duties and powers in the collection of said school taxes of said district shall be the same as the duties and powers now provided by law, or that may be hereafter conferred upon the sheriff of Duplin County, in respect to the collection of taxes for said county. The said tax collector shall give bond in an amount and with surety to be approved by the said board of trustees and he shall turn over said taxes as collected weekly to and make settlement with the treasurer of said district.

Compensation.

Duties.

Bond.

Separate amount. Sec. 7. That the said special tax of the Warsaw high and graded school district consolidated shall be entered and computed in a separate book by the register of deeds of Duplin County, and all the extra expense necessary in the preparation of said tax book by reason of the separation of the collection of said school taxes from the other taxes of said school district shall be paid by said board of trustees.

Does not repeal statutes. Sec. 8. That this act shall not have the effect of repealing or in any wise interfering with any statute or statutes now in force authorizing the levy or collection of any special tax for the benefit of the public schools of said consolidated district, but the

same shall remain in full force and effect, and the taxes arising therefrom shall be collected by the tax collector and paid over to the treasurer of said school trustees for the support and maintenance of said consolidated district and other purposes as herein set forth.

SEC. 9. That the amount of special taxes to be levied in said Warsaw high and graded school district consolidated for building purposes and equipment shall not exceed thirty cents on the one hundred dollars valuation of property; and thirty cents on the one hundred dollars valuation of property for teachers' salaries and operating expenses as is now being collected under prior authorization for said purpose.

SEC. 10. That J. L. Strickland, H. A. Parker, E. A. Pearsall, H. L. Stevens, D. L. Carlton and W. E. Hines be and they are hereby appointed and constituted a board of school trustees for the said Warsaw high and graded school district consolidated, for a term commencing on the ratification of this act. The term of the first three named trustees shall expire on the first Monday in December, one thousand nine hundred and twenty-six, and the term of the last three named trustees shall expire on the first Monday in December, one thousand nine hundred and twenty-eight; and at the expiration of the terms of office of said trustees their successors shall be elected, for a term of two years by the qualified voters of the Warsaw high and graded school district consolidated, as now or may hereafter be constituted, at the general election held biennially for the election of members of the General Assembly and under the same rules and regulations as govern the election of members of the General Assembly. Any vacancy which may occur by reason of resignation, death, or otherwise shall be filled by the board of education of Duplin County for the unexpired term: *Provided, however,* that there shall always be elected or appointed on said board of trustees one member each from the territory formerly embraced in the Pollock school special tax district; Lanefield school special tax district; and Bowden school special tax district; and three members from the territory formerly embraced in the Warsaw high and graded school district. And that said board of trustees as now or hereafter constituted shall always be composed of one member each from the territory embraced in the Pollock, Lanefield and Bowden schools special tax districts, and three members from the territory formerly embraced in the Warsaw graded and high school district.

SEC. 11. That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed, and chapter sixty-nine of the Private Laws, extra session, nineteen hundred

Amount
special taxes.

Board of
trustees.

Term of office.

Vacancy.

Proviso.

Conflicting
laws repealed.

and twenty-four, and each section and clause thereof, are hereby repealed. But all laws conferring upon the board of commissioners of Duplin County the power to levy a special tax not exceeding thirty cents on the one hundred dollars valuation real and personal property, prior to the passage of this act and all laws which give said consolidated district the right as such to receive its proportion of the general school fund, incidental fund, building fund, and other funds, provided by law from the county board of education or other source are hereby continued in full force and effect.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 143

AN ACT TO AMEND THE CHARTER OF ROCK SPRINGS CAMP GROUNDS.

Amendment.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-seven, Private Laws of North Carolina for the years one thousand eight hundred and seventy and seventy-one, as thereafter amended, be further amended by providing that the bounds of said incorporation shall extend on the north and east side of the center of the Rock Springs Camp Ground for one mile, and on the south and west sides for one-half mile.

Trustees given
authority.

SEC. 2. That the trustees of Rock Springs Camp Ground in Lincoln County are hereby vested with power to erect or cause to be erected such building or buildings on the grounds owned by the Rock Springs Camp Ground, as they may determine upon for the accommodation of the people assembling there from time to time, and to operate same or under lease or contract to save said building or buildings operated as a hotel or boarding house, and to charge for the accommodations furnished, under the rules and regulations made by the trustees of said camp ground.

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 take effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 144

AN ACT TO INCORPORATE THE TOWN OF SOUTH CREEK
IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of South Creek in the County of Beaufort be and the same is hereby incorporated by the name and style of South Creek, and shall be subject to all provisions of law with reference to incorporated towns.

South Creek
incorporated.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Peach Orchard Gut on Muddy Creek and running with said gut and branch, being the line of D. C. Williams' land, to the main road leading from South Creek to Springs' Creek; then a straight course to Goose Branch where it crosses the main road leading from South Creek to Aurora, and with said branch and gut to Bonds Creek; thence down Bonds Creek to Muddy Creek; thence up Muddy Creek to the point of beginning.

Corporate
limits.

SEC. 3. That the officers of said corporation shall consist of three commissioners, one of whom shall act as mayor of said town, and a marshal, to be selected by said commissioners. The following persons shall be commissioners until the first Tuesday in May, one thousand nine hundred and twenty-six, to wit: J. M. Wilson, Myron B. Tuthill, J. L. Mayo.

Officers.

SEC. 4. There shall be an election held for the officers mentioned in this act on the first Tuesday in May, one thousand nine hundred and twenty-six, and biennially thereafter, under the same laws and restrictions as are provided in the general election laws for elections for incorporated towns. All persons entitled to vote for members of the General Assembly, and who shall have been bona fide residents of the said town for ninety days preceding the day of the election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town.

Election.

SEC. 5. That the said board of commissioners shall pass all ordinances for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and Laws of the State of North Carolina and of the United States, that they may deem necessary.

Commissioners
to pass
ordinances.

SEC. 6. That said board of commissioners shall annually levy such taxes on the real and personal property in said town as they may deem necessary for the support of said town, and may prescribe the duties of the marshal, and fix his compensation.

Taxes.

Marshal;
compensation.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 145

AN ACT TO AMEND SECTION 106, CHAPTER 39, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, RELATING TO THE NUMBER OF TRUSTEES FOR THE NEWTON GRADED SCHOOL, NEWTON, NORTH CAROLINA.

Amendment.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and six, chapter thirty-nine of the Private Laws of North Carolina, session of one thousand nine hundred seven, be and the same is hereby amended by adding at the end thereof the following: "That the number of the board of school trustees of Newton be increased from five to six and that the five trustees now serving elect one new member for the board to serve until the first Monday in May, one thousand nine hundred and twenty-five, at which time an election shall be held to elect two members for a period of three years, whose terms expire at that time, and on the first Monday in May, each year thereafter, two trustees shall be elected for a period of three years to succeed those whose terms expire."

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 146

AN ACT TO EXPEND THE FUNDS DERIVED FROM THE SALE OF THE TOWN COMMONS OF BATH FOR THE USE AND BENEFIT OF THE BATH HIGH SCHOOL IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Money transferred.

SECTION 1. That the board of town commissioners of the town of Bath are hereby authorized, empowered, and directed to transfer, assign and pay over to the school committee of the Bath high school and their successors in office all money, notes, mortgages or other securities now held by it derived from sales

heretofore made of different parts of the town commons of the town of Bath.

SEC. 2. That the school committee of the Bath high school be and they are hereby authorized, empowered and directed, in their discretion, to use all of said funds mentioned in section one, or any part thereof, in maintenance, repairs and enlargement of the present school building or grounds, of the said Bath high school.

School committee authorized use funds.

SEC. 3. That said school committee of Bath high school shall annually on the first day of each July make a report to the board of town commissioners of Bath, showing the amount of the money or other securities belonging to said funds, together with a statement showing the amount expended during said year and for what purpose.

Report of school committee.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 147

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. The city of High Point is hereby authorized to issue its bonds for the purpose of constructing, reconstructing, altering or enlarging school buildings, or acquiring or improving lands for school purposes, or for any one or more of said purposes, or for the purpose of funding or paying notes or other temporary or floating indebtedness heretofore incurred for any one or more of said purposes. Such bonds may be issued either in the manner provided by the Municipal Finance Act for the issuance of such bonds, or in the manner provided by chapter one hundred and thirty-six of the Public Laws of nineteen hundred and twenty-three, as amended, for the issuance of bonds of special charter districts, or in the manner provided by any other general law providing for the issuance of such bonds, as the city council of said city may determine, except as herein otherwise provided.

Bond issue authorized.

SEC. 2. In any sworn statement of indebtedness hereafter filed in the city of High Point pursuant to section two thousand nine hundred and forty-three of the Municipal Finance Act, nine-

Sworn statements.

teen hundred and twenty-one, there shall be included in the deductions to be made from gross debt in computing net debt the amount of bonded debt of the city, not exceeding five per centum of the assessed valuation of property as last fixed for municipal taxation, included in the gross debt and incurred or to be incurred for any of the purposes aforesaid.

Single
ordinance bonds.

SEC. 3. In cases where it is proposed to issue bonds for any of the purposes aforesaid under the provisions of the Municipal Finance Act, nineteen hundred and twenty-one, it shall be lawful to authorize by a single ordinance bonds for any one or more of the said purposes, whether including or not including the payment of notes or other temporary or floating indebtedness heretofore incurred for any one or more of said purposes. The approval of any such ordinance by the voters of the city of High Point at an election as provided in the Municipal Finance Act shall be deemed and treated as including among other things the approval of all notes or other temporary or floating indebtedness heretofore incurred for any of said purposes and authorized by such ordinance to be funded by means of bonds. Bonds issued for the purpose of funding such notes or other temporary or floating indebtedness shall be deemed and treated as "funding bonds" within the meaning of the Municipal Finance Act, nineteen hundred and twenty-one, in fixing the time of maturity of such bonds.

Application
of proceeds.

SEC. 4. The city council of the city of High Point is hereby authorized to carry out the purposes for which the said bonds are hereby authorized to be issued and to apply the proceeds of the sale of said bonds to said purposes: *Provided, however,* that in the event that the High Point graded school district shall become coterminous with the city of High Point, the proceeds of the sale of said bonds shall be expended by the school board of said city.

City to have
powers.

SEC. 5. The city of High Point shall have all powers conferred by general law upon cities of this State in respect to the levying of taxes for the payment of bonds for school purposes or for the maintenance of public schools, notwithstanding anything to the contrary in the charter of said city.

Conflicting
laws repealed.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 148

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF REIDSVILLE SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The "school committee of Reidsville school district, Reidsville, North Carolina" (incorporated by chapter four hundred and twenty-four of the Laws of eighteen hundred and eighty-seven), is hereby authorized, upon the conditions and subject to the limitations and restrictions set forth in this act, to issue bonds in an aggregate principal amount not exceeding one hundred and five thousand dollars (\$105,000) for the purpose of funding or paying notes or other temporary or floating indebtedness now outstanding issued or incurred by said school committee for the purpose of constructing, reconstructing, enlarging, altering and equipping school buildings and acquiring and improving lands for school purposes in said school district, or for any one or more of said purposes; and the board of county commissioners of Rockingham County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Bond issue authorized.

Special tax.

SEC. 2. The bonds hereby authorized shall not be issued nor shall said special tax be levied unless and until the question of issuing such bonds and levying such tax shall be submitted to the qualified voters of said district at an election to be held for that purpose, and a majority of said qualified voters shall have voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina. A vote in favor of the issuance of said bonds and tax shall be deemed and treated as a vote approving the issuance and incurring of the notes or other temporary or floating indebtedness hereby authorized to be funded or paid by means of said bonds.

Submitted to voters.

SEC. 3. Upon the request of said school committee, the board of commissioners of the town of Reidsville shall order a special election to be held in said school district at such time as said school committee may designate for the purpose of voting upon the question of issuing bonds and levying a tax under this act. Said election shall be held under the supervision of the board of commissioners of said town, and, in all particulars other than those specifically provided for in this act, shall be held and con-

Special election.

ducted, and the qualifications of voters at the election determined, as nearly as may be practicable in accordance with the law relating to elections for municipal officers in the town of Reidsville. For said election there shall be a new registration of the qualified voters of said school district. Notice of the election shall be given by publication at least twice in some newspaper published in the town of Reidsville, the first publication to be at least thirty days before the election. The question to be voted upon shall be stated in said notice as follows: "The question of issuing.....dollars of serial bonds of the Reidsville school district and levying a sufficient annual tax to pay the same." The amount of bonds to be voted on to be inserted in said notice. The board of commissioners of the town of Reidsville shall appoint the registrars and judges of election for said election, and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election the voters who are in favor of the issuance of said bonds and the levying of said special annual tax shall vote a ballot on which shall be written or printed the words "For bond issue," and the voters who are opposed to the issuance of said bonds and the levying of said tax shall vote a ballot on which shall be written or printed the words "Against bond issue." At the close of the polls the election officers shall count the votes and make returns thereof to the board of commissioners of said town, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the result of said election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of commissioners of the town of Reidsville as aforesaid, and the other filed with the register of deeds of Rockingham County. If the board of commissioners of the town of Reidsville shall cause a notice containing a brief statement of the result of said election as determined by said board to be published at least once in a newspaper published in said town, no right of action or defense founded upon any invalidity in said election shall be asserted, nor shall the validity of said election be open to question in any court upon any grounds whatever, except in an action or proceeding commenced within thirty days after the first publication of said notice: *Provided, however,* that a copy of this sentence shall be incorporated in said notice.

Issues; maturity.

SEC. 4. The bonds authorized by this act may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or from time to time. Each issue shall so mature that the aggregate principal amount of the issue shall be payable in annual installments, beginning

not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. If all bonds of any one issue are not delivered simultaneously, the bonds of such issue outstanding at any one time shall mature as aforesaid.

SEC. 5. Said bonds shall be issued in the corporate name of said school committee, or, at the option of the school committee, in the corporate name of said school district (if said school district, as well as said board, is a body corporate). The bonds shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment and principal and interest, as the said school committee may determine, subject to the limitations and restrictions of this act. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They may be either coupon bonds or registered bonds, and if issued in coupon form may be registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the school committee of the Reidsville school district, Reidsville, North Carolina, and either the seal of the said school committee or the seal of said school district shall be affixed to the bonds and attested by the secretary of said school committee; and the coupons of such bonds shall bear the printed or lithographed or engraved facsimile signature of said chairman who is in office at the date of bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing.

Form; payment;
rate of
interest.

SEC. 6. Said bonds shall be sold in the manner provided in the Municipal Finance Act (chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended) for the sale of bonds for cities and towns. They shall not be sold for less than par and accrued interest.

Sale of bonds.

SEC. 7. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purpose for which the bonds were issued. The purchasers of the bonds shall not be bound to see to the application of the proceeds.

Proceeds
separate
fund.

SEC. 8. The taxes provided for in section one of this act shall be collected by the sheriff of Rockingham County and paid over by him to the treasurer of said Reidsville school district, to be applied solely to the payment of the principal and interest of said bonds.

Collection
of taxes.

SEC. 9. The powers granted by this act are granted in addition to and not in substitution for existing powers of the school committee of the Reidsville school district, Reidsville, North

Additional
powers.

Carolina, and are not subject to any limitation or restriction contained in any other law.

Conflicting laws repealed.

SEC. 10. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 11. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 149

AN ACT PROVIDING FOR THE ELECTION OF THE CLERK OF THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF LAURINBURG, NORTH CAROLINA, BY THE BOARD OF TOWN COMMISSIONERS AND NOT BY A VOTE OF THE VOTERS OF THE TOWN.

The General Assembly of North Carolina do enact:

Election clerk of town.

SECTION 1. That the clerk of the town of Laurinburg, Scotland County, North Carolina, shall be elected by the board of commissioners of the said town, and not by a vote of the voters of said town.

Conflicting laws repealed.

SEC. 2. That all laws and the charters of the said town in conflict with the foregoing be and the same are hereby expressly repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 150

AN ACT TO INCORPORATE CHARLOTTE PARK AND RECREATION COMMISSION.

The General Assembly of North Carolina do enact:

“Charlotte park and recreation commission.”

SECTION 1. That the general control, management, and authority over all lands now designated as Parks, or that may hereafter be so designated in the city of Charlotte, North Carolina, be and the same hereby are vested in a corporation to be known as the “Charlotte park and recreation commission” hereby created and composed of not less than three and not more than five citizens and residents of the city of Charlotte, North Carolina, to be appointed by the governing body of said city if and when this act shall have been ratified by the qualified voters of said city

as hereinafter provided; and after said ratification and appointment of members said corporation shall have power to prescribe reasonable rules and regulations for its proper organization and procedure, and generally, to manage, control, and improve the property under its supervision in the interest of the public as money may from time to time be appropriated for such purposes, and as hereinafter provided. Rules.

SEC. 2. The powers, purposes and duties of the "Charlotte park and recreation commission" shall be to establish, lay out, improve, and maintain parks and playgrounds within or near the city of Charlotte in the interest of the citizens of Charlotte and vicinity, and to provide for such parks and playgrounds such equipment, including swimming pools, baseball grounds, tennis courts, and such other facilities for recreation and play as may be deemed necessary and essential and to make such reasonable charges for the use of said facilities as the corporation may prescribe, and to charge such entrance fees to all exhibition games as may be reasonable and proper. Powers, purposes and duties.

SEC. 3. The members of said corporation shall elect from their body the necessary officers for the efficient management and operation of the corporation; and all funds coming into said corporation shall be held by some designated person who shall be required to give sufficient bond to insure the safekeeping of said funds. Election of officers.

SEC. 4. The term of office of each member of said corporation shall be fixed by the governing body of the city of Charlotte, North Carolina, and all vacancies occurring in said board, either by expiration of term of office or otherwise, shall be filled by the governing body of the city of Charlotte. Term of office.

SEC. 5. The corporation shall not have power to mortgage or encumber any property under its supervision, nor shall it have the power to contract any debt or incur any obligation in excess of the amount of taxes levied by the governing body of the city of Charlotte for park purposes for the current year. Corporation powers limited.

SEC. 6. That said "Charlotte park and recreation commission" is hereby created a body corporate by the name of the Charlotte park and recreation commission, and by that name shall sue and be sued; may have a common seal; may acquire, receive and hold real estate in the city of Charlotte, North Carolina, and vicinity by purchase, gift, devise, or otherwise; and may acquire, receive and hold personal property by purchase, gift, and bequest by will or otherwise; may contract and be contracted with for the purposes provided in this act, and may make such rules, regulations and by-laws for its government and the exercise of its powers as may be necessary, and may alter the same from Created body corporate.

time to time in such manner as shall not be in conflict with the laws of this State, or of the ordinance of the city of Charlotte.

No compensation. SEC. 7. The members of the corporation, other than the designated custodian of its funds, shall receive no compensation for their services.

Superintendent. SEC. 8. The corporation may employ a superintendent and such other employees and servants as may be necessary to carry out the purposes of this act.

Officers. SEC. 9. The officers of the corporation shall be a president, vice president, secretary and treasurer, who shall perform the usual duties imposed upon officers of corporations by the laws of North Carolina. All of the said officers shall be elected at the first meeting of the members of the corporation and shall hold their offices until their successors are duly elected.

Quorum. SEC. 10. At all meetings of the corporation a majority of members shall constitute a quorum.

Ad valorem tax. SEC. 11. That the governing body of the city of Charlotte at the time of levying the taxes for the necessary purposes of running the city of Charlotte shall levy, and it is hereby made mandatory on said governing body to levy, an ad valorem tax of not more than three cents on each one hundred dollars (\$100) valuation of real or personal property in the city of Charlotte for the Charlotte park and recreation commission, and said governing body shall turn over to said Charlotte park and recreation commission said money when the same shall have been collected.

Election. SEC. 12. That for the purpose of ascertaining the will of the voters of the city of Charlotte upon the question of levying the taxes and contracting the debt authorized in this act, an election shall be held at all the voting precincts in the said city on the Tuesday after the first Monday in September, nineteen hundred and twenty-five, it being the eighth day of September. At said election all voters of the city of Charlotte qualified to vote at said election may vote a written or printed ticket. Those who favor such levy and authority shall vote a ticket with the words "For park and recreation tax" written or printed thereon, and those who oppose such levy and authority shall vote a ticket with the words "Against park and recreation tax" written or printed thereon; and if a majority of qualified voters at said election shall vote for park and recreation tax and the result shall so be declared, then the provisions of this act shall be in full force and effect. The said election shall be held in the manner provided by law for holding the regular municipal elections in the city of Charlotte, except as in this act is otherwise provided. It shall be the duty of the chairman of the county board of elections to give notice of said election as now provided by law, and he shall see that the registrars of the several voting pre-

Notice of election.

cinets in the city are provided in due time with the registration books for their respective precincts, and he shall cause to be printed and distributed to the registrars a sufficient number of tickets, both for and against park and recreation tax, and shall provide the registrar of each precinct with at least three blank forms for the returns of said election. All expenses incurred under this act shall be paid by the governing body of the city of Charlotte. A new registration is hereby ordered for said election. The registration books for said election shall be opened on the third day of August, and shall remain open on each day (Sunday excepted) until, and including, the second day of September, nineteen hundred and twenty-five. On each Saturday between said days each registrar shall attend at his polling place for the registration of voters. Immediately upon the close of the election the votes cast at each precinct shall be counted and the number cast for and against park and recreation tax and the number of registered voters for said election shall be ascertained and three abstracts thereof shall be filled in and signed by the registrars and judges of the election; one of which shall be delivered on or before the tenth day of September, nineteen hundred and twenty-five, to the chairman of the board of elections; another to the clerk of the governing body of the city of Charlotte, and a third posted upon finishing the count at the polling place.

Expenses.

New registration.

SEC. 13. It shall be the duty of the board of elections of Mecklenburg County, North Carolina, to meet in the courthouse of said county on the twelfth day of September, nineteen hundred and twenty-five, and duly canvass the returns of said election and judicially declare and determine the result thereof, and shall certify the result to the governing body of the city of Charlotte as soon as the same is determined, and post a copy of their canvass at the courthouse in said county.

Canvass
of returns.

SEC. 14. That chapter thirty-two of the Private Laws of nineteen hundred and five, chapter one hundred and eighty-nine of the Private Laws of nineteen hundred and twenty-one, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Chapter
repealed.

SEC. 15. That this act be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 151

AN ACT TO REPEAL CHAPTER 206, PRIVATE LAWS, SESSION 1923, RELATING TO THE INCORPORATION OF WHITE LAKE, BLADEN COUNTY, FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and six of the Private Laws of session of one thousand nine hundred and twenty-three be and the same is hereby repealed.

SEC. 2. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

Chapter
repealed.

CHAPTER 152

AN ACT TO INCORPORATE, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS THEREOF, THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL SPECIAL SCHOOL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That upon a majority of the qualified voters residing in the territory hereinafter described in this act voting their approval as hereinafter provided, the public school district in Rockingham County known as the Leaksville Township public school district be and the same is hereby incorporated and created a body politic with the powers, authorities and duties hereinafter set forth to be exercised and performed by the Leaksville Township public school district committeemen, to wit: L. W. Clark, E. V. Hobbs, B. B. Martin, A. E. Millner, and W. W. Strong, and their successors in office, or the public school committeemen of said district which may be in control and management of the schools of said district at the time this act may go into effect as hereinafter set forth; that is, immediately upon the ratification of this act by the qualified voters of said school district as hereinafter set forth, the then public school district committeemen of said Leaksville township public school district, as they may then exist, shall immediately become the trustees under this act of said public school district and shall take all the powers and authorities and assume all the duties and obligations incident to their office as said trustees under this act, or in any way

School district
incorporated.

Committeemen.

Committeemen
to become
trustees.

by law, and serve their unexpired term according to their prior appointment by the board of education of Rockingham County, their successors to be appointed by the board of education of Rockingham County, for a term and according to the general public school laws of the State for the appointment of public school committeemen. All vacancies that may occur in said board of trustees of said public school district shall be filled by the board of education of Rockingham County. The boundaries of said school district are as follows:

Vacancies.

Beginning at Dan River on the Virginia State line; thence with the Virginia State line in a westerly direction to the eastern line of the special school tax district known as Matrimony school district, same being school district number one in Price Township; thence in a southerly direction with the line of the said Matrimony special school tax district to the line of the former special school tax district number six in Leaksville Township known as the Holland school district; thence with the line of the said Holland school district to Buffalo Creek; thence down Buffalo Creek to the Leaksville Township line; thence with the Leaksville Township line to Dan River; thence down Dan River to the beginning, the same being the public school district laid out and established by the board of education of Rockingham County during the year nineteen hundred and twenty-one as set forth in the minutes of said board of education.

Boundaries of said district.

SEC. 2. That the said board of trustees and their successors in office are hereby constituted a body corporate and shall be known by the name and style of "the board of trustees of Leaksville Township public school district," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, or devise, real and personal property, hold and exchange, mortgage or sell same and exercise such rights, functions and privileges as allowed by the general public school law of North Carolina and as are necessary and incident to the performance of their duties hereinafter set forth, and shall have a corporate seal, which it may alter or change at pleasure.

Trustees constituted body corporate.

SEC. 3. All public school property within said area under the jurisdiction of the board of trustees of Leaksville Township public school district, now held in fee simple by the board of education of Rockingham County may be transferred to the said board of trustees and their successors in office by the board of education of Rockingham County, to be held and used by it as in its discretion the best educational interest of the said district may demand. The said board of trustees of said school district shall, if said property is transferred to it, assume the responsibility for the payment of any outstanding indebtedness

Public school property.

against any school property in the district unless the said board of education shall voluntarily agree to assume responsibility for the payment of said indebtedness.

Further powers. SEC. 4. The said board of trustees of Leaksville Township public school district shall have the further following powers and duties:

Chairman. (a) To select a chairman from their number whose duty it shall be to preside at all meetings of the board of trustees; and to select a vice chairman whose duty it shall be to preside in the absence of the chairman.

Superintendent of schools. (b) To employ a superintendent of schools and fix his compensation. Said superintendent shall act as secretary to the said board of trustees and shall have a right to attend all meetings of the board or committees thereof except when his own salary, tenure or administration are under discussion, and to speak on any question, but with no right to vote. The said superintendent, or the business manager of Leaksville Township public school district (should such an office eventually be created by the board of trustees of the Leaksville Township public school district), shall act as treasurer of the said school district and shall be bonded for such an amount as may be deemed necessary or advisable by the said board of trustees.

Employ teachers, etc. (c) To employ such principals, teachers, special teachers, supervisors and assistants as may be deemed necessary; fix their compensation and order their salaries paid, in accordance with the public school law of North Carolina; and to dismiss such employees in accordance with the provisions of the law.

Janitors. (d) To employ janitors and other employees and to have control and title of all school property of the district, with power to care for, insure, repair, lease or rent the same; and with power to acquire sites by purchase or condemnation under the general school law of the State, or under the general law for condemnation of property as set forth in chapter thirty-three of the Consolidated Statutes of North Carolina entitled "Eminent Domain," by public service corporations; to improve grounds and build buildings in accordance with the public school law of North Carolina.

School census. (e) To provide for the taking of a continuing school census as provided in the public school law and to submit a report of the same to the superintendent of public instruction of Rockingham County.

School system. (f) To provide and maintain a complete system of elementary and secondary schools in the said district.

Instruction for delinquents, etc. (g) To provide and maintain, as means may permit or necessities may require, special instruction for delinquent, dependent, or defective children; kindergartens; evening schools; in-

dustrial and other vocational education; household economics; school library; and other educational facilities, as they may deem advisable.

(h) To prepare an annual budget of expenses each year, and after estimating the amount to be received from the State and county school funds to certify to the county board of education for the transmission to and levy by the county board of commissioners such additional sums as may be necessary to maintain at least nine months of elementary and secondary instruction in the district and to maintain such other type of schools and educational facilities as may have been established within the district: *Provided*, that for these purposes there shall not be levied a special tax rate in excess of fifty cents on the one hundred dollars assessed valuation of property both real and personal. Annual budget of expenses.

(i) To adopt rules and regulations not inconsistent with law or the rules and regulations of the State Board of Education for the government of the schools and the school business of the district. Adopt rules.

(j) To keep financial and statistical records and to make an annual financial and statistical report to the county superintendent of education, and to the State Superintendent of Education, not later than the first day of July, according to form provided by the State Board of Education. Financial, etc., records.

(k) To supply such information relating to the work and conduct of the schools under their charge as may be requested by the county or state educational authorities. Supply information.

(l) To have such other powers and functions as may be assigned to them in the future by act of the General Assembly or by rule or regulations of the county or State Board of Education, made in conformity with the law. Other powers.

SEC. 5. That for the purpose of maintaining and operating the schools for a longer term than that provided by Rockingham County the special tax rate of said district shall not exceed fifty cents on the one hundred dollars assessed valuation of property, both real and personal; and that it shall be mandatory upon the county board of commissioners to levy such part of this rate as may be requested of them by the said board of trustees of Leaksville Township public school district through the Rockingham County board of education. This tax shall be levied and collected in the same way and manner as the special tax in any local district in the county; but upon collection said tax shall be turned over by the sheriff directly to the treasurer of the board of trustees of the Leaksville Township public school district. Special tax rate.

Bond issue
authorized.

SEC. 6. The board of trustees of Leaksville Township public school district are hereby authorized and empowered to issue bonds of said school district, to an amount not to exceed five hundred thousand dollars (\$500,000), the proceeds from said sale of bonds or such part thereof as may be necessary shall be applied and used by the said board of trustees only in purchasing and acquiring land for school sites, or other school purposes, either by purchase or condemnation, and the purchase, erection, addition to, or altering of school buildings, and equipment of same as may appear to be necessary, in the discretion of the said board of trustees. The said board of trustees are hereby further authorized to use from the proceeds of the sale of said bonds any sums necessary, to pay any existing indebtedness for school buildings and equipment in said school district at the time this act shall go into effect.

Statement.

SEC. 7. The said board of trustees of Leaksville Township public school district shall, on or before the first day of July in each year, furnish the board of commissioners of Rockingham County a statement of the amounts of bonds and the interest thereon falling due during the next fiscal year, and it shall be mandatory upon the said board of county commissioners of Rockingham County to levy a special tax ad valorem on all taxable property in said district for the special purpose of paying the principal and interest of all bonds issued under this act as such principal and interest become due, which tax shall be in amount sufficient for said purpose and shall be in addition to all other taxes authorized by law to be levied in said district.

Ad valorem tax.

Form; maturity,
etc.

SEC. 8. That the said bonds shall be serial bonds of such denominations and of such proportion, form and tenor and transferable in such way as said board of trustees shall deem advisable, and each issue thereof shall so mature so that the aggregate principal amount of the issue shall be payable at such place or places and at such time, not exceeding thirty years from the date of the issue, as the said board of trustees, in its discretion, may determine. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall be coupon bonds and may be registerable as to principal or as to both principal and interest. Said bonds shall be signed by the chairman of the said board of trustees and attested by its secretary and have the corporate seal affixed thereto: *Provided*, that the signatures on the coupons of said bonds may be lithographed.

Sale of bonds.

SEC. 9. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a price less than par, the said bonds to be sold by the said board of trustees in the manner provided for in the municipal finance act for the sale

of bonds. The proceeds from the sale of said bonds shall not be used for any other purpose than that declared in this act. The delivery of the aforesaid bonds signed by the officers in office at the time of such signing shall be valid notwithstanding any change in the officers of the said board of trustees occurring after such signing.

SEC. 10. That the tax levied by the board of county commissioners for the payment of the principal and interest due on said bonds shall be collected and transmitted to the treasurer of said board of trustees in the same manner as the tax levied and collected for the operation and maintenance of the schools of said district.

Collection and
transmission
of tax.

SEC. 11. That this act shall not be valid or in force and effect until ratified by a majority of the qualified voters of said school district at an election to be held for that purpose as hereinafter set forth.

Submitted to
voters.

SEC. 12. That upon the petition of not less than four hundred qualified voters in said school district the board of county commissioners of Rockingham County are hereby authorized, empowered and required within ten days after the petition has been presented to the said board of county commissioners to call an election for the purpose of permitting the qualified voters of said school district to ratify or reject this act. The determination of the said board of county commissioners upon the sufficiency of the petition shall be final and conclusive. The qualified voters in said district favoring the ratification of this act and the issuance of bonds as herein set forth shall vote a ticket on which shall be written or printed the words "For school charter and bonds," and those who oppose same shall vote a ticket on which shall be written or printed the words "Against school charter and bonds." That if a majority of the qualified voters in the election in said district shall vote a written or printed ballot "For school charter and bonds," upon the counting of said ballots and the declaring of the results of said election as herein provided for, then this act shall be deemed and considered in all respects ratified and be in full force and effect, and the public school committeemen appointed by the Rockingham County board of education for said school district then in charge and control of the public schools of said district shall immediately become the trustees of the Leaksville township public school district under this act and shall immediately be charged with the assumption of all powers and the performance of all duties as herein set forth for the trustees of the said public school district. That upon the expiration of the term of office of any of said trustees and in the event of a vacancy in said board of trustees for any reason, the Rockingham County board of

Petition
of voters.

Ballots.

Expiration
term office
trustee.

education shall appoint the successors of the said trustees as their terms of office expire and shall fill all vacancies in said board as same may occur. The term of office of said trustee shall be according to the general school law of North Carolina for school committeemen in public school districts.

Polls.

SEC. 13. That upon the presentation of the petition herein set forth to the board of county commissioners of Rockingham County and the calling of an election to be held in said school district, the polls are to be held at all the voting precincts in Leaksville Township as now or may hereafter be established by law for the holding of elections for the members of the General Assembly. The said board of county commissioners shall appoint a registrar and two judges of the election for each precinct in said school district. And in all other respects the election shall be held and conducted and the results declared in accordance with article seventeen, section two hundred and twenty-one chapter one hundred and thirty-six, of the Public Laws of nineteen hundred and twenty-three, except such parts of said section two hundred and twenty-one of the Public Laws as are inconsistent with the requirements of this act.

Registrar, etc.

In favor
ratification.

SEC. 14. That in case a majority of the qualified voters in the said district shall vote at the election to ratify this act, the board of trustees as herein set forth shall meet and organize by electing from their number a chairman and vice chairman and take charge of the educational affairs of the said district as herein provided.

Financial
reports, etc.

SEC. 15. That financial reports and estimates of the expenditures for which the county is liable shall be made to the board of commissioners of Rockingham County as is provided for other departments of Rockingham County under the budget law for said county passed by the General Assembly of North Carolina at its regular session in nineteen hundred and twenty-five.

Rule regarding
act.

SEC. 16. That this act shall not be submitted until the election is held to ratify or refuse to ratify the unified school law of Rockingham County passed at the nineteen hundred and twenty-five session of the General Assembly, and if said unified plan is ratified and adopted by the county of Rockingham, then this law shall be void and no election shall be held under it, but should the unified system fail of ratification, then this law shall be in full force and effect.

Conflicting
laws repealed.

SEC. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 18. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 153

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD BY CHANGING THE BOUNDARIES OF THE CORPORATE LIMITS AND REVISING THE TERRITORY EMBRACED IN EACH OF THE 5 WARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter three hundred and forty-four of the Private Laws of North Carolina, session one thousand nine hundred and seven, be and the same is hereby amended by striking out everything in said section one relating to the boundaries of the corporate limits of the city of Concord and insert in lieu thereof the following: The corporate limits of the city of Concord shall be bounded as follows: Beginning at a point in the center of the concrete bridge over the Stricker Branch where it crosses the Poplar Tent Road, and runs thence north fourteen and one-half west eight hundred feet to an iron pipe on the east side of the Stricker Branch and on the north edge of the old Beatties Ford Road; thence north fifty-five and one-fourth east eight hundred and twelve feet to a point in the center of the main line of the Southern Railway Company where it crosses the Montgomery Branch; thence up the center of the main line of said railway to a point M. L. Upright's corner; thence with Upright and J. W. Readlings line north seventy-two and one-half east seven hundred fifty-two and one-half feet to an iron pipe (said iron pipe being two hundred and forty feet north of Phifer Street) on the west edge of Gibson Street; thence with the west edge of Gibson Street to a point in Jones Street; thence with Jones Street north seventy-four east three hundred and five-tenths feet to a stake in Jones Street where it intersects with Allison Street; thence with Allison Street north sixteen and one-half west one hundred and ninety-six feet to a point in Allison Street; thence north fifty-eight and one-half east twenty-five hundred and thirty-six feet to an iron pipe in the east edge of the old Salisbury Road where it intersects with Cemetery Street; thence along the east edge of the Old Salisbury Road south forty-two and one-half east three hundred feet to a point where the old corporate line crosses the line of the Brookwood development; thence with the line of said Brookwood development north sixty-one and one-half east nine hundred and ninety feet to an iron pipe, the old corner; thence south seventy-nine and one-half east five hundred and forty-four feet to an iron pipe in the east edge of Lorance Street; thence with the east edge of said Lorance Street south ten and one-half west two hundred feet to a point where Lorance Street in-

Amendment.

Boundaries changed.

tersects with Victory Avenue and Liberty Street; thence with the east edge of Liberty Street six hundred seventy-two and four-tenths feet to a point where Liberty Street intersects Madison and American avenues; thence with the north edge of American Avenue south eighty-six east nine hundred feet to a point on the old Burrage and McDonald line; thence with the Burrage and McDonald line south four west eight hundred and eighty-eight feet to a point on the old corporate line; thence with the old lines south sixty-nine east twelve hundred and fourteen feet to an iron pipe; thence south forty-six east twenty-two hundred and forty-five feet to a point in east Depot Street; thence south forty-six east seven hundred and fifty-two feet to an iron pipe in Lacy Street; thence south seven east eighteen hundred and eighty-seven feet to a point in East Corbin Street; thence south nineteen and three-fourths east thirty-nine hundred and ninety feet to an iron stake; thence north forty-eight east one hundred and seventy feet to an iron pipe (said pipe being twelve hundred feet from South Union Street), thence a line twelve hundred feet from and parallel with South Union Street, two thousand and fifty feet to a point in the Blume line; thence with the Blume line south fifty-one and one-half west twelve hundred feet to a point in South Union Street; thence south fifty-one and one-half west twelve hundred feet to an iron pipe; thence a line twelve hundred feet from and parallel with South Union Street three thousand one hundred and fifty-seven feet to an iron pipe; thence south forty-eight west thirty-four hundred and eighty-five feet to a point in the center of Irish Buffalo Creek; thence up the center of said creek ninety-one hundred and forty-five feet to a point where the Stricker Branch empties in said creek; thence up the center of said Stricker Branch north four and one-fourth west twenty-six hundred feet to the beginning.

SEC. 2. That section two of chapter three hundred and forty-four of the Private Laws of North Carolina, session one thousand nine hundred and seven, be stricken out and the following inserted in lieu thereof as section two.

That said city of Concord shall be divided into five (5) wards or voting precincts, to be known respectively as wards, one, two, three, four and five.

In lieu.

Ward one shall be bounded as follows: Beginning at the intersection of Depot and Union Streets; thence in a westerly direction down the center of West Depot Street, across the overhead bridge to a point in the center of the channel of Irish Buffalo Creek, the western boundary line of the city limits; thence up the center of the creek in a northerly direction to a point where a straight line running from the center of Buffalo Street and Notty Street extension intersects the center of the

Ward one.

Chapter
stricken out.

creek; thence with the center of Notty Street and also the center of Buffalo Street after leaving Notty Street, in an easterly direction to the intersection of North Union and Buffalo streets; thence with the center of North Union Street in a southerly direction to the point of the beginning.

Ward two shall be bounded as follows: Beginning at the intersection of Depot and Union streets, and runs thence with the center of North Union Street in a northerly direction to a point where Union Street intersects with Buffalo Street; thence with the center of Buffalo Street in an easterly direction to a point where Buffalo Street intersects North Church Street; thence with the center of North Church Street in a northerly direction to a point where said Church Street intersects the northern boundary line of the city limits; then following the northeastern boundary line of the city limits to a point where it intersects the center of East Depot Street; thence with the center of East Depot Street in a westerly direction to the point of the beginning. Ward two.

Ward three shall be bounded as follows: Beginning at the intersection of Depot and Union streets and runs thence with the center of East Depot Street in an easterly direction to a point where said street intersects the eastern boundary line of the city limits; thence following the eastern boundary line in a southerly direction to a point where it intersects South Union Street; thence with the center of South Union Street in a northerly direction to the point of the beginning. Ward three.

Ward four shall be bounded as follows: Beginning at the intersection of Depot and Union streets, and runs thence with the center of South Union Street in a southerly direction to a point where said street intersects the southern boundary line of the city limits; thence following the southern and southwestern boundary line of the city limits to a point where it intersects West Depot Street, thence with the center of West Depot Street in an easterly direction to the point of the beginning. Ward four.

Ward five shall be bounded as follows: Beginning at a point where Buffalo Street intersects with North Church Street; thence with the center of Buffalo Street in a westerly direction, following Buffalo Street and the center of Notty Street and Notty Street extension to a point where the prolongation of a line running from the center of Notty Street intersects the western boundary line of the city limits; then following the western and northwestern boundary of the city limits to a point where the boundary line intersects the center of North Church Street; thence with the center of North Church Street in a southerly direction to the point of the beginning. Ward five.

Polling
places, etc.

SEC. 3. The present board of aldermen shall provide a polling place, boxes and registration books for each of said wards, and all persons entitled to vote in any municipal elections of said city shall vote in the ward of which they are residents, under the provisions hereafter made.

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 force from and after its ratification.

Ratified this the 16th day of March, A.D. 1925.

CHAPTER 154

AN ACT TO CREATE THE NORTHEASTERN SPECIAL SCHOOL TAXING DISTRICT, JOHNSTON COUNTY, AND TO EQUALIZE SCHOOL ADVANTAGES IN THE SAME.

The General Assembly of North Carolina do enact:

Northeastern
special school
taxing
district.

SECTION 1. That all of that part of Johnston County included in the boundaries herein set out, except the special chartered districts, in which the towns of Smithfield and Selma are located, is hereby declared to be the northeastern special school taxing district. Said district shall include the following territory with the above set out exceptions:

District
outlined.

“Beginning at a point in the Johnston and Wilson County line in the eastern boundary of Emit school district, following the said eastern boundary of the Emit school district, southwardly to the eastern boundary of the Corinth-Holders consolidated school district; thence the said consolidated school district to the eastern boundary of the Archer Lodge school district; thence the northern, eastern, and southern boundary lines of the Wilson’s Mills consolidated school district; thence the southern and eastern boundary lines of the following districts; Sandy Ridge, Baptist Center, Polenta, Smith, Spilona, Barbour’s, Elevation; thence the eastern and northern boundary lines of the following districts: Poplar Springs (Banner), Allen, Rock Hill, New Hope, Massey (Bentonville), to Neuse River; thence down Neuse River to the Wayne County line; thence with the county line northwardly to the beginning, excluding all of the districts named above”: *Provided*, that if before the calling of the election provided for in this act either or both of the special chartered districts above mentioned shall have legally deeded all of its or their property to the board of education of Johnston County and shall have legally surrendered their charters and done all of those things necessary

Proviso.

for either or both school systems to do to become a part of the county school system, then, and in that event only, shall either or both of said special chartered districts be included in the northeastern special school taxing district: *Provided further*, that the petition of the board of education asking for the election provided for in this act and the notice of new registration and special election given by the board of county commissioners of Johnston County, which petition and notice shall both set out the boundaries of said district, shall be conclusive and final evidence as to whether either or both of the said special chartered districts are embraced in the northeastern special school taxing district.

Provided
further.

SEC. 2. That upon the written petitions of the county board of education of Johnston County setting out definitely the boundaries of the said northeastern special school taxing district, the board of commissioners of said county shall call an election, and after thirty days notice, which shall be given by publication at least once in some newspaper published in Johnston County and circulated in said district submit to the qualified voters of the said district created in section one of this act, the question of whether there shall be levied and collected annually a special tax not exceeding fifty cents on the one hundred dollars valuation of property to supplement the constitutional school term, equalize educational advantages within the said special school taxing district and provide a sufficient fund from the revenue derived from the tax above mentioned to pay the interest and create a sinking fund or funds, and to retire all the bonds previously voted for school purposes by any and all of the several school districts included in the said special school taxing district above created. The board of county commissioners shall order a new registration, appoint registrars, judges of election, designate the voting precincts, and the election shall be conducted as nearly as may be according to the laws governing general elections. Those who favor the levying and collection of this equalizing tax shall vote a ballot on which shall be written or printed the words "For equalizing tax of not exceeding fifty cents," all those who are opposed a ballot on which shall be written or printed the words "Against equalizing tax of not exceeding fifty cents." The registrars and judges of election shall certify the result to the board of county commissioners who shall canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election and shall record such determination on their records: *Provided*, that if the county board of education shall wish for good and sufficient reason to withdraw the petition before the close of registration books, said

Election.

Question of
special tax.

New
registration.

Ballots.

Proviso.

election shall not be held, and that one or more elections may be called under authority of this act whenever requested by the board of education.

SEC. 3. That when a majority of the qualified voters of the said district shall have carried the election in favor of the levying of a tax of not exceeding fifty cents on the one hundred dollars valuation of property, the board of county commissioners shall annually thereafter levy this equalization tax at the rate requested by the county board of education not inconsistent with the maximum rate of fifty cents, and that said tax shall be annually levied and uniformly collected throughout said special school taxing district in the same manner that other taxes of Johnston County are levied and collected on all real and personal property and all polls in said special school taxing district, observing the constitutional limitation on poll tax.

SEC. 4. That all taxes collected under authority of this act and the approval of the majority of the qualified voters of said special school taxing district shall be paid over to the treasurer, or financial agent, of the county school fund and the same shall be used by the county board of education for the exclusive benefit of the schools in the territory embraced in the petition requesting the election, and all moneys accruing under this act to the use of the said district shall be disbursed by the county board of education upon the signatures of the chairman and secretary of said board: *Provided*, that there shall not be charged against this fund any commission by the sheriff, or tax collector for the collection of these taxes, nor by the treasurer, or financial agent, for disbursing the same, nor by any officer of Johnston County for computing said taxes, or for listing same where a whole township is included in said district.

SEC. 5. That when a majority of the qualified voters shall have favored the levying and collecting of the said equalizing tax, then it shall operate to repeal all of the special or local taxes heretofore voted by any of the several school districts included in the said special school taxing district, it shall operate to suspend the levying of any tax previously voted for school bonds by any of the several school districts included in the said special school taxing district whenever and as long as the tax authorized by this act or any part of the same is levied, it shall operate to make all of the indebtedness, pending or otherwise, of any and all of the several school districts embraced in the said special school taxing district the indebtedness of the said special school taxing district as a whole, so long as the tax herein authorized, or any part of the same, is levied.

SEC. 6. That when this act shall have been approved by a majority of the qualified voters, it shall become the duty of the

In favor of
levying
special tax.

Taxes paid
over to
treasurer.

Proviso.

Repeal all
special or
local taxes.

Use of revenue.

county board of education to provide from the revenues derived from the tax herein authorized first for the payment of both the principal and the interest of all the school bonds previously issued by any of the several school districts embraced in said special school taxing district, and to provide an adequate sinking fund for all of such bonds as do not mature serially; and second to equalize school advantages in every section of the said special school taxing district by providing at least an eight months school term in all school districts which will accept the same; and to these ends the county board of education is authorized to provide, at public expense as a charge against the funds derived from the provisions of this act in addition to the above-mentioned items, transportation beyond the constitutional school term for which other provision is made, for those children who live beyond a reasonable walking distance of a public school. It shall always be the duty of the board of education as nearly as possible to equalize in every way the educational advantages of all the children of the said district: *Provided*, it shall be the duty of the board of education to appoint a treasurer for the sinking funds of each and every bond issue not maturing serially, said treasurer shall furnish the board of education a good and sufficient bond for all moneys that may be in the hands of said treasurer, and one condition of the bond shall always be that the same shall be subject to termination, change in form or amount, at any time that the board of education may see fit to demand the same; it shall be unlawful for the board of education to let any treasurer receive any sinking fund who shall not have first fully complied with this section, and it shall be the duty of said board to appoint such treasurer or treasurers as will first furnish satisfactory bond and second allow the highest rate of interest on funds deposited with him. Said treasurer or treasurers shall make promptly any and all reports requested by the board of education.

Proviso.

SEC. 7. That when this act shall have been ratified by a majority of the qualified voters any school district in said special school taxing district may secure a term of nine months for its school or schools by voting a sufficient special tax in addition to said equalizing tax to provide for the operation of their school or schools for one month, in the same manner as special taxes are voted at that time: *Provided*, that in the event the district in which the town of Smithfield is situated should become a part of said special school taxing district and wish to secure a term of nine months at any time before and including the year of one thousand nine hundred and thirty-two (1932) it shall vote and levy a special tax as above provided in the amount of twenty-five cents on the one hundred dollars worth of property, after the

Nine
months
school term.

Proviso.

year one thousand nine hundred and thirty-two (1932) said Smithfield district shall be required to levy only such a part of the above-mentioned rate as shall produce one-ninth of the total cost of operating the schools in said district for a term of nine months: *Provided further*, that in the event the district in which the town of Selma is situated should become a part of said special school taxing district and wish to secure a term of nine months at any time before and including the year of one thousand nine hundred and fifty-five (1955) it shall vote and levy a special tax as above provided in the amount of fifty cents on the one hundred dollars worth of property, after the year one thousand nine hundred and fifty-five (1955) said Selma district shall be required to levy only such a part of the above-mentioned rate as shall produce one-ninth of the total cost of operating the school in the said district for a term of nine months: *Provided further*, that the two provisions next above of the Smithfield and Selma districts are included in the election which ratifies this act.

Further
question.

SEC. 8. That when this act shall have been ratified by a majority of the qualified voters, then any school district or districts of Johnston County which together with said special school taxing district may be included within one common boundary, may vote on a ballot reading "For a special tax at the same rate as that authorized in the northeastern special school taxing district," or on a ballot reading "Against special tax at the same rate as that authorized in the northeastern special school taxing district." That such elections in other school district or districts shall be called and conducted in the same manner as that prescribed by the General Assembly for the election provided for in section two of this act, except as to wording of ballot as above prescribed and further that the petition of the board of education requesting the election and the notice of same given by the board of county commissioners shall each give notice that if a majority of the qualified voters of said school district or districts shall declare for the tax, then said school district or districts shall be and become a part of the said northeastern special school taxing district, just as though it had been included in the boundaries set out in section one of this act.

Not to
reduce funds
for operating
schools for
constitutional
school term.

SEC. 9. That this act shall not operate to reduce the funds which are now provided or which may hereafter be provided by the Legislature for operating the schools for the constitutional school term, but shall be an additional amount to be used first to equalize educational advantages among the schools of said special school taxing district in the manner set out above in this act and also to secure better buildings, equipment and provide better teachers: *Provided*, that if in securing better teachers the State salary schedule is supplemented, such sup-

Proviso.

plement shall be uniform and consistent with training, experience and ability: *Provided further*, that all of either primary, grammar grade or high school teachers may be supplemented an equal amount.

SEC. 10. That nothing whatever in this act shall prevent the provisions of "An act to promote the building and repairing of schoolhouses in the county of Johnston," being chapter one hundred seventy-eight, Public-Local Laws, extra session, one thousand nine hundred and twenty-one, from still remaining in force and being applicable to any school district in the said special taxing district.

Does not prevent.

SEC. 11. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 155

AN ACT TO AMEND CHAPTER 221 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1919, RELATING TO THE CHARTER OF EAST LAURINBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred twenty-one of the Private Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out therefrom the whole of section eleven and substituting in lieu thereof the following:

Amendment.

"Sec. 11. That all ordinances, rules and regulations heretofore enacted by the board of commissioners of the town of East Laurinburg and now in force, or that may hereafter be enacted by said board of commissioners, in the exercise of the police power now vested in said board or which may hereafter become vested in said board, unless otherwise provided by the said board of commissioners, shall apply to all the territory within the following boundaries, to wit:

Application of rules, etc.

'Beginning at a point in the center of the run of Leith's Creek two hundred feet above the point where the track of the Seaboard Air Line Railroad crosses said run between Dickson Cotton Mill and Scotland Cotton Mill, and runs thence parallel with the center of said railroad track south sixty-four degrees and thirty minutes east to a point north twenty-five degrees and thirty minutes east from the second corner of the tract of

Boundaries.

land conveyed by John F. McNair to Prince Cotton Mill Company, a corporation; thence south twenty-five degrees and thirty minutes west to the run of Leith's Creek; thence up the run of said creek following the various courses thereof to the beginning; and said ordinances, rules and regulations shall apply with equal force to that part of said territory lying outside the corporate limits of the town of East Laurinburg as well as to that portion of said territory lying within the corporate limits of said town, and all officers of said town of East Laurinburg now authorized by law or who may hereafter be authorized by law to enforce said ordinances and make arrests within the corporate limits of said town shall have full and equal rights and powers to enforce said ordinances and make arrests in the whole of said territory within the boundaries set out above: *Provided*, that nothing herein contained shall be construed as giving the right or power of taxation on the part of the town of East Laurinburg over the property located within the territory inside the boundaries set out above and outside the corporate limits of the town of East Laurinburg'."

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 force and effect on and after the date of its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 156

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE LAWS OF 1901, RELATIVE TO THE TERM OF OFFICE OF THE OFFICIALS OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred ninety-four of the Private Laws of nineteen hundred one be and the same is hereby amended by striking out the word "and," in line six of section six, and inserting in lieu thereof the words "June first."

Term of office expires.

SEC. 2. That the present term of office of the officials of the town of Shelby shall expire on June first, nineteen hundred twenty-five.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 157

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF THE SINKING FUND OF THE FAIR BLUFF SUPPLEMENTARY SCHOOL DISTRICT, COLUMBUS COUNTY, BEING H. B. No. 810, S. B. No. 671, FILE No. 343, RATIFIED ON THE 26th DAY OF FEBRUARY, 1925.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one in lines one and two thereof by striking out the words, "county board of education," and inserting in lieu thereof, "the trustees of Fairbluff supplementary school district," number one.

Amendment.

SEC. 2. Amend section two thereof by striking out the words "board of education," in line four thereof, and inserting in lieu thereof the words "the trustees of Fairbluff supplementary school district number one."

Amendment.

SEC. 3. Amend section three thereof by striking out, in line five thereof, the words "county board of education of Columbus County," and insert in lieu thereof the words "the trustees of Fairbluff supplementary school district number one."

Amendment.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 158

AN ACT TO AMEND THE CHARTER OF THE TOWN OF AYDEN IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular police force of the town of Ayden shall be empowered and are hereby granted the authority to make arrests and do other acts within the limits of their authority as policemen as prescribed by the charter of the town of Ayden, or by ordinance, in a section extending one mile in each direction beyond the corporate limits of the town of Ayden. And that their authority and duties with respect to the additional territory herein set out shall be in every respect the same as their authority and duties with respect to the incorporated town of Ayden.

Amendment.

Additional territory.

Election of
officers.

SEC. 2. That the mayor of the town of Ayden shall be elected on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter, and his term of office shall be for two years and until his successor has been duly qualified. The mayor of the town of Ayden is hereby given authority and jurisdiction of a justice of the peace to try all cases which may arise or occur within the additional territory surrounding the town of Ayden, described in section one of this act.

Division of
town into
wards.

SEC. 3. The board of aldermen of the town of Ayden are hereby granted authority and power to subdivide the territory within the corporate limits of the town of Ayden into five wards to be known and designated as follows: First ward, second ward, third ward, fourth ward, fifth ward, and there shall be elected at the regular election to be held on the first Monday in May, one thousand nine hundred and twenty-five, in each ward, one alderman, and the term of office of the alderman elected in the first ward, the third ward and the fifth ward shall begin on the the first Monday in June following said election and shall expire on the first Monday in June, one thousand nine hundred and twenty-seven, and the term of office of the alderman elected in the second ward and the fourth ward shall begin on the first Monday in June following said election, shall expire on the first Monday in June, one thousand nine hundred and twenty-six.

Terms of
office.

SEC. 4. That the term of office of the aldermen elected in the first ward, the third ward, and the fifth ward on the first Monday in May, one thousand nine hundred and twenty-seven, shall be for two years and the aldermen in said wards shall be elected at a regular election in said wards every two years thereafter. And the aldermen of the second ward and fourth ward shall be elected on the first Monday in May, one thousand nine hundred and twenty-six, and every two years thereafter.

Election laws.

SEC. 5. That all elections held hereunder shall be in accordance with the election laws of the charter of the town of Ayden. That, however, for the purpose of holding elections of the town of Ayden hereunder, there shall be provided one ballot box upon which there shall be plainly marked the word "Mayor," and in which all ballots cast for the mayor shall be deposited and a separate box for each of the said five wards upon which each ward shall be designated, and in which the ballots cast for aldermen in the respective wards shall be deposited: *Provided*, that in all other respects the election of mayor and aldermen shall be held under the general terms of the charter, as now in force, of the town of Ayden.

Ballots.

Conflicting
laws repealed.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 159

AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO ISSUE BONDS.

Whereas, the town of Wrightsville Beach, which is an island beach situated between the Atlantic Ocean and inland waters, has constructed a system of jetties for protection against damage from storms and the waves of the ocean, and for the building up of said beach, and the results of this beach and other beaches justify and make necessary the construction of additional jetties on a more comprehensive plan; and

Preamble.

Whereas, in the judgment of the General Assembly, the expense of said additional jetties, and those heretofore constructed by said town, and also the expense of the other public works, improvements, and properties hereinafter mentioned, are necessary expenses of said town within the meaning of section seven of article seven of the State Constitution: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Wrightsville Beach in the county of New Hanover is hereby authorized to issue coupon bonds of said town in an aggregate amount not exceeding sixty thousand dollars (\$60,000) and to apply the proceeds of the sale thereof to the following purposes or any of them, viz.: (1) Constructing or reconstructing jetties of said beach, for the purpose of protecting and building up said town as aforesaid from the encroachments of the ocean; (2) acquiring and improving a waterworks system or plant for said town; (3) constructing or reconstructing public boardwalks on the streets or other public places of said town; (4) constructing or acquiring an incinerator for the destruction of garbage in said town; (5) enlarging the sewerage system to meet the growth of said town, and (6) funding or paying indebtedness of said town now outstanding in the amount of thirteen thousand dollars, incurred for the construction of jetties as aforesaid and for the construction of a sewer system for said town, all of which outstanding indebtedness is hereby legalized and validated.

Bond issue authorized.

Purpose of bond issue.

SEC. 2. Said bonds shall be issued at such time or times, and in such denomination and form, and with such provisions as to time, place and medium of payment of principal and interest,

Issuance, etc.

as said board of aldermen may by resolution or ordinance determine, subject only to the restrictions imposed by this act. Said bonds shall be serial bonds, and shall so mature that the aggregate principal amount of the bonds shall be payable in annual installments beginning not more than two years after the date of the bonds and ending not more than twenty-five years after said date. The said annual installments of principal may be equal or unequal, but none shall be more than two and one-half times as great in amount as any prior installment. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They shall be signed by the mayor of said town, and the seal of said town shall be affixed to each bond and attested by the town clerk or clerk of the board of aldermen. The coupons of said bonds shall be authenticated by a facsimile signature of the mayor. The bonds shall be sold in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of bonds. They shall not be sold for less than par.

Special tax.

SEC. 3. It shall be the duty of said board of aldermen to levy annually on all taxable property in said town a special tax for the purpose of paying the principal and interest of said bonds as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized by law to be levied in said town.

Aldermen
authorized.

SEC. 4. Said board of aldermen is hereby authorized to carry out the purposes for which said bonds are to be issued.

Conflicting-
laws repealed.

SEC. 5. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 160

AN ACT TO REPEAL CERTAIN CHAPTERS OF THE LAWS OF NORTH CAROLINA IN REGARD TO THE CHARTER OF THE TOWN OF MOUNT AIRY, AND TO GRANT A NEW CHARTER IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Chapter
repealed.

SECTION 1. That chapter thirty-six of the laws of one thousand eight hundred and eighty-five, chapter sixty-two of the laws of one thousand eight hundred and eighty-seven, chapter one hundred ninety-three of the laws of one thousand eight hundred and eighty-nine, chapter three hundred and four of the laws of

one thousand eight hundred and ninety-one, chapter two hundred and sixty-seven of the laws of one thousand eight hundred and ninety-nine, and chapter four hundred and four of the laws of one thousand nine hundred and three are hereby repealed and the following sections substituted in lieu thereof:

SEC. 1. That the inhabitants of the town of Mount Airy shall be, and continue as they have heretofore been, a body politic and corporate, and in the name of the town of Mount Airy shall have perpetual succession, may use a common seal, may have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of government of said town, its welfare and improvement and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belong to the present corporation of the town of Mount Airy and shall also be liable for all debts, claims, obligations and duties which now exist against the town of Mount Airy.

Corporate body.

SEC. 2. That the corporate boundary lines of the town of Mount Airy shall be as follows, to wit: Beginning on the north bank of Loville's Creek where the lands of M. D. Armfield and R. R. Galloway join, running down the creek with its meanders by the Needmore ford to the ford on Rockford road; thence a degree line to the North ford in the Ararat River; thence up the river as it meanders to the mouth of branch passing by Galloway's tanyard; thence to the forks of the road above Galloway's old house and thence to the beginning, together with the following amendments and changes.

Boundary lines.

(B) That the corporate limits be so changed as to include the territory embraced within the following boundaries: Beginning at the corporation line at the forks of Fancy and Ward's Gap road and running west with Fancy Gap road to northwest corner of Pinkston lot; thence a straight line to northeast corner of Pace's lot; thence west with Pace's line passing his corner and continuing same direction to corporation line; thence with said line to the beginning.

Corporate limits extended.

(C) Also to include the following additional territory: Beginning at a reference stone planted on the present corporation line and about three hundred feet below the old tan yard and running north four degrees the same course with the west edge of a new street, about one thousand two hundred feet in all to an angle in said new street; thence crossing said new street and running north fifty-three and one-fourth degrees east four hundred and forty-five feet to twin poplars on the Galloway and Moore line; thence following said line north fifty-three and one-half degrees west about seven hundred and fifty feet to the west side of Main Street; thence continuing with said street seventy-

two and one-half degrees west eight hundred and fifty-five feet, south eighty-two degrees west about six hundred and forty-four feet to Lebanon Street; thence continuing said course and with said old Galloway and Moore line seven hundred and fifty-four feet to J. C. Council's northwest corner; thence following the old hillside ditch and branch as it meanders passing near the city system to the center of the right-of-way of the Southern Railway, Virginia grade; thence with said right-of-way to the present corporate line and thence with said corporate line as it now stands to the beginning. (Magnetic meridian of one thousand nine hundred and three for the old Galloway line).

(D) That the western boundary of the town of Mount Airy be amended as follows: The water race or canal as now owned by Mrs. A. E. Sides beginning where said race leaves Loville's Creek, thence following the north edge of said road going southward passing the present flouring mill of Mrs. A. E. Sides to Loville's Creek, shall be and the same is the western limits of the town of Mount Airy as described and no other change in the said limits as now located.

Present mayor
and
commissioners
to hold office.

SEC. 3. That the present mayor of the town of Mount Airy shall hold office until a successor is elected and qualified and the present members of the board of commissioners shall be and constitute the board of commissioners of the town of Mount Airy until the expiration of their terms of office and their successors are elected and qualified and as such will have the same power and authority conferred upon them by law and such additional authority as may be conferred upon the board of commissioners of the town of Mount Airy by this charter.

Bonds declared
valid
indebtedness.

SEC. 4. That all bonds or other indebtedness for which the town of Mount Airy is liable are hereby declared to be the valid indebtedness of the town of Mount Airy notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same or the issuing thereof or the purposes or use of the fund arising therefrom and said indebtedness shall be paid as provided by the contract in existence and in regard thereto.

Town officers.

SEC. 5. The officers of the town of Mount Airy shall consist of a mayor and five commissioners to be elected by ballot on the first Monday in May each two years, also a chief of police, secretary and treasurer and tax collector to be chosen by the board of commissioners immediately after its organization to hold such office at the pleasure of the board.

Two wards.

SEC. 6. There shall be two wards in the town of Mount Airy and in each of which ward there shall be elected two town commissioners and one town commissioner shall be voted for and elected by both wards by a popular vote; that the territory em-

braced in ward one and in ward two shall be and continue to be ward one and ward two and that the voting precinct in ward one shall be at the town hall and the voting precinct in ward two shall be Fulton Garage.

SEC. 7. That on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter, there shall be elected a mayor who shall be a resident of the town of Mount Airy and entitled to vote in the municipal election of said town and there shall be elected five commissioners: two commissioners from ward one and two commissioners from ward two and one commissioner at large who shall be resident of the town of Mount Airy and entitled to vote in the municipal election of said town.

Election.
town officers.

SEC. 8. That the board of commissioners of the town of Mount Airy shall order said election or any special election, select registrars of voters for each ward, give due notice of same and in all manner conduct said election according to the laws of the State of North Carolina.

Rules of
elections.

SEC. 9. That the registrars so appointed shall be furnished by said board of commissioners with registration books and such registrars shall open their books at such places in the town of Mount Airy as may be designated by said commissioners and shall register therein the names of all persons applying for registration who are entitled to register and vote in the ward or precinct for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters and designating on the registration books opposite the name of each person registering, the place of his birth, age, residence and all things required by law: *Provided*, that a new registration shall not be biennially held unless the board of commissioners shall determine the same as necessary and by due advertisement give notice of the same and all facts pertaining to same as required by law. Such registration books shall be kept open as required by the general law and such registrars shall be qualified and conduct such registration according to the general laws of the State of North Carolina and such person applying for registration shall qualify himself or herself according to the general law of North Carolina.

Registration.

SEC. 10. Board of commissioners of the town of Mount Airy shall for each regular or special election held by the town of Mount Airy appoint two judges of election who shall be of different political parties for each of the several voting precincts of the town of Mount Airy to open the polls and superintend the same and make due return thereof to the mayor of the town of Mount Airy and conduct said election in all respects according to the laws of the State of North Carolina.

Judges of
election.

Returns.

SEC. 11. That the board of commissioners shall receive the returns of the registrars and judges of election at the town hall in the town of Mount Airy at ten o'clock a.m. on Tuesday following such general election and in case of special election at ten o'clock a.m. on the succeeding day after such special election, at which time said returns shall be canvassed and the person receiving the majority of the votes so cast for Mayor shall be declared elected and the two commissioners in each ward receiving the majority of votes so cast shall be declared elected and the commissioner at large receiving the majority of votes cast in said election shall be declared elected and such persons so declared elected shall be forthwith notified by the mayor and board of commissioners of the town of Mount Airy and inducted into office immediately after said notification, by taking the oath now prescribed by law for commissioners for the town and for mayors.

Vacancy.

SEC. 12. That if any person who shall be elected mayor shall refuse to be qualified or there is any vacancy in the office after election and qualification by reason of resignation or otherwise or if the mayor be temporarily absent from town or be unable to discharge the duties of his office from sickness or otherwise, the commissioner shall choose one of their number to be mayor pro tempore or to fill the unexpired term and likewise in case of a commissioner refusing to qualify or in case of resignation or inability to act, the remaining commissioners shall select some suitable person within the town of Mount Airy.

Mayor and commissioners vested with rights, etc.

SEC. 13. That immediately after induction into office the mayor and board of commissioners shall succeed to and have all the rights, powers, and duties now provided by law for such board of commissioners as well as those conferred on them by the provisions of this charter and shall hold office until their successors are elected and qualified.

Meetings.

SEC. 14. That the commissioners shall form a board and a majority of them shall be competent to perform the duties prescribed for the commissioners. They shall fix stated days for meetings which shall be as often as once every calendar month. Special meetings of the board of commissioners may be held on the call of the mayor or of a majority of the commissioners. Members of the board shall be given notice of special meeting.

Mayor to preside.

SEC. 15. The mayor shall preside at all meetings of the town commissioners and vote in no case except in an equal vote between said commissioners, when he shall give the casting vote. He shall, subject to the specific duties or powers imposed on other persons or officers under this chapter, or authorized or prescribed under its provisions, have supervision of all of the town's affairs, shall acquaint himself with the necessities of the

town, inspect the streets and other public places and public premises, supervise and keep up with its finances, its general income and disbursements, including bond issues, and shall make report to the board of commissioners of the general and financial condition of the town, and shall recommend in his report such matters as he may think to the interest and advantage of the town; keep his office in some convenient place designated by the board of commissioners, keep the seal of the town and preside at all meetings of the board of commissioners, except as otherwise provided. In addition to the above, the mayor shall have all other duties, powers, privileges and rights as may be now or hereafter prescribed.

SEC. 16. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violations thereof, to fine, and imprison either in the guardhouse of the town or the common jail of the county, and to execute all laws, and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the Superior Court of Surry County, upon recognizance with security for his appearance at the next term thereof.

Further power
of mayor.

SEC. 17. That the mayor may issue his precept upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to the chief of police of the town or to such other officers to whom a justice of the peace may direct his precept.

Violation
of town
ordinance.

SEC. 18. That every violation of the town ordinance shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars, or imprisonment not more than thirty days.

Violation
misdemeanor;
penalty.

SEC. 19. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or as may hereafter be provided by law.

Power to
imprison.

SEC. 20. That the mayor shall have and it shall be his duty to exercise all the jurisdiction, powers and duties given a justice of the peace in chapter eighty-two, Consolidated Statutes, entitled crimes and punishments.

Powers of
justice of the
peace given
mayor.

SEC. 21. That the board of commissioners of the town of Mount Airy are hereby authorized to fix the salary of the mayor of the town of Mount Airy at a sum not to exceed one thousand dollars (\$1,000) and also fix salaries of the commissioners.

Compensation
of the mayor.

Minutes of
proceedings.

SEC. 22. The secretary-treasurer shall keep minutes of the proceedings of the board of commissioners and preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successors and generally perform such other duties as may be prescribed by the commissioners and this charter and as treasurer before entering on his duties shall take an oath to the faithful discharge of his duty, shall give bond in such sum and with such conditions as the board of commissioners shall prescribe. He shall make out annually a transcript of the receipts and disbursements on account of the city and at least quarterly for the general inspection of the citizens and cause the same to be printed quarterly and at the end of the fiscal year in some newspaper published in the town of Mount Airy. It shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the treasury and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly directed to him by the board of commissioners. He shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him and shall submit said account to the board of commissioners monthly. On expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer. That all orders drawn on the treasurer shall be signed by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account and also the sources whence are derived the moneys received by him.

Secretary;
compensation.

SEC. 23. That the secretary to the board of commissioners and treasurer of the town of Mount Airy may be held by one person whose compensation shall be fixed by the board of commissioners of the town of Mount Airy.

Tax collector.

SEC. 24. That the board of commissioners at their first meeting shall elect a tax collector who shall also be an assistant to the secretary of said town and who shall be vested with the same power, authority and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given to sheriffs of the counties and subject to the same fine and penalties for the failure and neglect of duty. The board of commissioners at the meeting before the last regular meeting in each fiscal year shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and the city treasurer and to audit and settle the ac-

counts of the tax collector as such and as assistant to the secretary of the town of Mount Airy. The accounts so audited to be reported to the board of commissioners and when approved by them shall be recorded in the minutes of said board and shall be prima facie evidence of their correctness and impeachable only for fraud or specified error; that the tax collector as such and as assistant to the secretary shall render to the board of commissioners at each regular monthly meeting a true transcript of his actions as such which shall be passed upon by the board of commissioners and ordered filed, if correct, with the treasurer.

Duties.

SEC. 25. That said tax collector and assistant to the secretary shall take an oath to the faithful discharge of his duty and shall give bond in such sum and with such conditions as the board of commissioners shall prescribe.

Oath
of office.

SEC. 26. That the board of commissioners shall have power to appoint a police force to consist of a chief of police and such number of policemen as the good government may require, the policemen to hold office at the pleasure of the board and the board may prescribe badges and uniforms for the members of the police force and may employ detectives. In times of emergency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week who shall take the same oath and being subject to the same control as regular policemen. The members of the police force shall give bond in such sum as the board of commissioners may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town and to faithfully account for all moneys that may come into their hands from fines, penalties or other sources. The chief of police shall have the supervision and control of the police force; may suspend any policeman for five days; shall report to the mayor any dereliction of duty on the part of any member of the police force; shall see that the laws and ordinances of the town are enforced and do such other things as may be required of him by the board. Chief of police and each policeman shall have the power and authority vested in sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by any authorized officer and in execution thereof shall have the same powers as sheriffs and constables. They shall take an oath before the mayor for the faithful performance of the duty required by law and the ordinances. They shall have the power to take bail for appearance of defendants or other persons charged with the violation of town ordinances or other offenses in the manner and to the extent that such power is vested in sheriffs and in case any person or persons shall forfeit such bail the officer before

Appointment of
police force.

Duties.

whom such warrant or process shall be returnable, may issue a scire facias and enter judgment final against the defaulting person and his sureties. They shall have the power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay final cost, upon failing to pay same or in case of an escape; the members of the police force of the town of Mount Airy shall be lawful officers to serve all civil processes that may be directed to them from any court under the same regulations and penalties as are or may be prescribed by law in reference to sheriffs or constables.

Misconduct.

SEC. 27. The mayor may at any time, upon charges preferred or upon finding the chief or any member of the police force guilty of misconduct, suspend such member from service until the board of commissioners shall convene and take action in the matter and upon hearing the proof in the case the board may discharge or restore such members and the pay of such members so suspended shall cease from the time of suspension to the time of restoration to service, any violation of the regulations or orders of any superior shall be good cause for dismissal.

Taxes.

SEC. 28. That in order to raise a fund for the necessary expenses of the government of the town, the commissioners shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits of the town including money on hand, solvent credits and upon all other subjects taxed by the General Assembly, ad valorem, a tax on every one hundred dollars (\$100) valuation of property to meet all the ordinary and current liabilities of the town which shall not be construed to include taxes for or interest upon any bonded indebtedness; on all taxable polls a tax on the poll of every resident of the town on the first day of May of each year or who may have been so resident within sixty days next preceding that day as a bona fide citizen and said tax so levied shall constitute a lien on all the property of the person owing such tax, and the town shall have all rights and powers for the collection of same as are now provided by law governing the levy and collection of taxes by the board of county commissioners; that the board of commissioners in addition to the powers of taxation already granted in this charter shall be and are hereby empowered to levy and collect such taxes as are necessary to pay interest on bonded indebtedness, sinking fund, schools, and all lawful purposes and also a privileged license tax on all trades, professions, agencies, businesses, exhibitions, circus parades and all other parades, manufacturers, hotels, restaurants, eating houses, owners of dogs or any or all other

subjects authorized by the General Assembly to be licensed, within the limits of the town of Mount Airy, the amount of which tax when fixed to be collected by the tax collector and if it be not paid on demand the same may be recovered by suit or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same or otherwise dealt with in accordance to law.

SEC. 29. That the tax collector, on or before the third Monday in April of each and every year, may make advertisement in some newspaper, notifying all persons who own or have control of taxable property in the town on the first day of May to return to him, on or before the last day of May, a list of their taxable property in said town. Said list shall state the number of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I,, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of the town, according to my best knowledge, information and belief; so help me, God." And from the returns so made the tax collector shall within thirty days after the expiration of the time for taking said list make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists made out by law for the collection of State taxes; and the said tax collector is authorized and empowered, in making up the tax roll of the town of Mount Airy, to use the tax assessment of the county of Surry applicable to the town of Mount Airy, and may copy same in making up said tax roll as far as same is necessary, which assessments may be revised, corrected or amended by the board of aldermen.

SEC. 30. That the tax collector shall, within thirty days from the return of the tax list, make out a list of all taxable polls and owners of taxable property in said town who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed shall for such failure pay double the tax assessed on any subject for which he is liable to be taxed. The board of commissioners shall have the power given them to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Surry, applicable to the town of Mount Airy, on all subjects embraced in both lists; and the board of commis-

List of taxes.

List of taxable polls, etc.

sioners shall have the power to appoint one list taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years or oftener if necessary the real estate so listed for taxation.

Tax levy.

SEC. 31. That as soon as the tax collector shall have finished the assessment rolls, as provided, and the same shall have been issued by the board, the board of commissioners shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the tax collector, who shall collect the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the treasurer. After the first day of April in each year there shall be added one per centum additional tax on the taxes remaining unpaid in the hands of the collector, and two per centum after May the first, which shall be collected and accounted for as other taxes. The town tax collector shall, by virtue of his office, be vested with all power and authority within the town of Mount Airy as is now vested in sheriffs.

Failure to pay taxes.

SEC. 32. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for the collection, the collector shall proceed forthwith to collect the same by distress and public sale, after advertisement for the space of ten days in some newspaper published in the town of Mount Airy, if the property to be sold be personalty, and of thirty days if the property be realty.

Unpaid taxes.

SEC. 33. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of March, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the collector, he shall report the fact to the commissioner, together with a particular description of the real estate, and thereupon the commissioner shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Return of tax collector to commissioner.

SEC. 34. That the collector shall return an account of his proceedings to the commissioner, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the town treasury subject to the demand of the owner.

Sale of land.

SEC. 35. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by

paying to the purchaser the sum paid by him and twenty per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest, the proceeds, less double the amount of taxes.

SEC. 36. That if the estate sold as aforesaid shall not be redeemed within the time specified, the town shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the town, that the taxes were due, or that any other matter required to be done before the sale was done, shall be prima facie evidence of the correctness thereof.

Unredeemed estate.

SEC. 37. That all moneys arising from taxes, donation or other sources shall be paid to the treasurer and appropriated under orders of the board of commissioners as provided in this charter.

Moneys arising from taxes, etc.

SEC. 38. The board of commissioners shall have the power to enact ordinances in such form as they may deem advisable, as follows: For the protection of the waterworks and water supply of the town of Mount Airy; to grant to any person, firm or corporation a franchise and right to own, control and operate, for a term of years or otherwise, telephone, telegraph, lighting or heating systems, or any other business engaged in public service; to contract as to compensation for such franchises, and to control, regulate and tax the same; to prevent vagrancy, and any person not engaged in any lawful occupation and who spends his time in gambling or loafing about the streets without visible means of support, shall be considered a vagrant; to regulate and conduct all elections, to prevent interference with the officers thereof, and to preserve order thereat; to prescribe rules and regulations for the government and duties of police officers; to prohibit all trades, occupations or acts which are nuisances; to define and condemn nuisances and provide for the abatement or removal of same; to grant permits for the construction of buildings and other structures and to prohibit the construction of any building or structure which in the judgment of the board of commissioners may be a nuisance, or of injury to adjacent property, or to the general public; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the town of Mount Airy, with the right to declare the same a nuisance or unsafe, and cause their demolition or removal; to provide for the leveling, filling-in and drainage of all ponds, sunken lots or other places in which water stands and stagnates, and to recover from the owner or occupant the expenses of doing the same, which expense shall be a lien upon the lots so improved and enforced as liens for taxes; to prevent dogs, hogs, cattle and other livestock from roaming at large in the town, and to regulate or prohibit the

Power to enact ordinances.

keeping of hog-pens within the town limits; to define and establish the fire limits and prevent the location of wooden or other buildings with said fire limits and in any part of the town where they may increase the danger of fire; to regulate and prescribe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish and appoint a fire chief and prescribe the duties and powers thereof; to prohibit the collection or existence in, on or about any storehouse, warehouse, residence or any private premises of inflammable or combustible matter or material; require the owner of such premises to remove or destroy same, and provide rules for the removal or destruction of such inflammable or combustible matter; and for purposes herein set forth to authorize an examination and inspection of all stores, warehouses, residences or any private premises; to establish, regulate and control the markets or market buildings, to fix the location of any market building, prescribe the time and manner and place within the town wherein marketable articles, such as meats, perishable vegetables, fish, game, and all other kinds of perishable food or diet shall be bought or sold; to appoint keepers of markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers; and of those doing a temporary business; to establish, regulate and control cemeteries; to provide for the manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting and keeping the same in condition; to provide suitable grounds for the enlargement, extension or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of said town not within said cemeteries, and provide for the punishment of persons violating the rules and regulations concerning the cemetery; to provide for the establishment, organization, equipment and government of fire companies, fire commissioners and fire-alarm system, and to adopt rules for the conduct, regulations and terms of office thereof; to regulate the erection, placing and maintenance of all telephone, telegraph, and other electric wires and to prohibit the same from being strung overhead in a public street, and to compel the owners and operators of telephone, telegraph or electric wires to put same under ground; to prohibit or control the use of any gasoline engine, the making or repairing of boilers, the establishment or operation of any plant or business which is or may become a nuisance to any part of the community; to prohibit or control the firing of firearms, firecrackers, torpedoes or other explosive materials and to govern the sale thereof; to control and regulate the speed of all horses or other

animals, automobiles, buggies, carriages, wagons or other vehicles on the streets; to regulate the speed of railroad engines and trains within the corporate limits, or the stopping of engines or cars in the streets or crossings of the town; to specify the manner in which all stovepipes and flues and electric wires shall be put in buildings, and to control and regulate the arrangement and operation thereof; to control and regulate the place and manner in which powder and other explosives and inflammable substances may be kept and sold, and the place and manner in which commercial fertilizers are stored; to provide for the sanitary condition and keeping of all lots, cellars, houses, water-closets, privies, lavatories, stables, sties and other places of like character, to provide for the examination and sanitation thereof, and for that purpose ordinances may be passed authorizing sanitary officers or policemen to enter the premises suspected of being in bad or unsanitary condition and have the same cleaned at the expense of the owner, or abate such places as nuisances and recover of the occupant or owner the expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the town or the spreading of any contagious or infectious disease therein, and for that purpose, may stop, detain and examine every person coming from places believed to be infected with such disease; to establish and maintain quarantines against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the town or within three miles thereof, and may cause any person in the town suspected to be infected with such disease and whose stay in the town may endanger public health to be removed to the hospital or other place that the mayor may select; to prevent from coming into the town any second-hand clothing, bedding or furniture; to remove from the town or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and propagate disease; to abate all nuisances which may be injurious to public health; may vaccinate or otherwise subject to medical treatment all persons having smallpox or other contagious or infectious disease; to recover, by proper action against those who may cause the same, all costs and expenses of the moving and treating people having or suspected of having contagious or infectious diseases; shall have power, by force, to remove all persons from the town or to carry them to hospitals or other places selected by the mayor or board of commissioners and detain them therein; to prohibit the carrying on of any disorderly house or house of ill-fame, or gambling house or house where games of chance are being carried on or

where liquors are sold; to provide for the inspection and examination thereof, and for that purpose may enter upon said premises and make arrest of any person or persons violating the ordinances of the town in reference thereto; to prohibit the construction of cellars under sidewalks or the making of entrances into sidewalks, and to make rules and fix specifications for the construction of all cellars under sidewalks or entrances into sidewalks; to regulate and control motion picture shows, and all exhibitions or places of public amusement, and all exhibitions or performances given therein; provide a board of censors who shall have power to inspect and view all public places of amusement or exhibitions given therein, and prohibit such as, in their judgment, are immoral or against public interest, and any violation of an order of the board of censors shall be unlawful, and every day an exhibition is permitted after an order of the board of censors prohibiting it shall constitute a separate offense. On behalf of the general welfare of the town of Mount Airy, and for the good order and government thereof, the board of commissioners may, in addition to the foregoing powers, pass or ordain any resolution or ordinance, and enforce the same by proper punishment or penalty, which it may consider wise or proper, not inconsistent with the Constitution and laws of the State.

Violation of
town ordinance.

SEC. 39. That any person or persons violating any ordinance of the town of Mount Airy shall forfeit and pay a penalty of fifty dollars, and in addition thereto shall be deemed guilty of a misdemeanor, and unless the punishment thereof is otherwise specifically prescribed, shall, upon conviction, be fined fifty dollars or imprisoned thirty days; that the mayor or judge of recorder's court have the right to lessen the fine, penalty or the term of imprisonment imposed for the violation of any ordinance of the town of Mount Airy.

Improvement
of streets, etc.

SEC. 40. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining waterworks, sewerage, gas plants, electric light or power plant, public schools, hospital or hospitals, or for any public improvement, or to fund or pay any bonded debt now existing, on or before the date when same shall fall due, or to fund, liquidate or otherwise provide for any floating indebtedness of said town now existing or hereafter created, the board of commissioners is hereby authorized and empowered to create a public debt and issue bonds therefor, under the following provisions: According to the general law of the State of North Carolina, applying to municipal corporations, provided that the board of commissioners shall have the power and authority out of

the general taxation to contract and pay all necessary expenses whether in the subjects enumerated in this section or not.

SEC. 41. That for the purpose of paying off, taking up and canceling the coupons and bonds issued by the town of Mount Airy as the same shall become due and to provide a sinking fund, it shall be the duty of the board of commissioners and they are hereby empowered to levy and collect sufficient special tax each and every year upon all subjects of taxation, which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct.

Taking up coupons and bonds, etc.

SEC. 42. The board of commissioners is hereby authorized to establish and maintain a department of public health, appoint a health officer, who may be the county health officer and such officers and employees as may be required, prescribe their duties and powers, fix their compensation and adopt rules and regulations for the government of said department; likewise may adopt ordinances for sanitary purposes for the prevention of disease or spreading of contagious disease with all powers for the enforcement thereof.

Department of public health.

SEC. 42. The board of commissioners is hereby authorized to create the office of auditor or to employ an expert accountant to audit the books of account of the various departments of the town receiving and disbursing funds of the town, to prescribe the duties and fix the compensation of such auditor or expert accountant.

Office of auditor created.

SEC. 43. The board of commissioners shall continue to provide for the establishment, continuance, maintenance and support of a system of public schools as provided for in the special or private acts, establishing a system of schools for the town of Mount Airy. And for this purpose shall annually appropriate a certain part of the taxes of the town. Said schools shall be devoted to education of the young by high school or graded system and shall be open to all bona fide residents of the town of Mount Airy, above the ages of six, but persons living beyond the limits of the corporation may attend the schools upon the payment of tuition fees and under such regulations and rules as may be prescribed by the board of school commissioners of the town of Mount Airy and the said board of commissioners shall conform their actions to the bill creating a school committee for the town of Mount Airy and such existing law shall be and become a part of this charter.

Commissioners to provide for public schools.

Appropriation.

SEC. 44. That the board of commissioners shall have power and authority to establish and construct and at all times maintain in the town of Mount Airy a system of waterworks, electric lights and power plant and sewerage system and for the pur-

Waterworks.

pose of supplying the said town, its inhabitants and others near thereto with water, electric lights and motive power and sewerage for all public and private uses and purposes for which they may be desired, may charge, demand and collect reasonable rates for the use of privilege of water, of electric lights and motive power and sewerage; that the said town of Mount Airy shall have power to contract for and buy and own any water-power outside of the limits of the said town and may sell, receive and collect reasonable charges from parties outside of the town of Mount Airy for the use of said waterpower and electric light, motive power and sewerage as may be agreed on: *Provided*, that at all times the town and its inhabitants shall first be fully supplied with water and lights, motive power and sewerage, and for the purpose of carrying into effect this power and use the town of Mount Airy shall have power and authority to borrow money to make, negotiate and dispose of its promissory notes, bills, bonds, with or without coupon interest notes attached to mortgage its property and tax franchises to secure the payment thereof.

Corporation
to repair
pipes, etc.

(b) That the said corporation shall have power at all times to lay off, build and construct, maintain and repair, tap and remove all necessary pipes, mains, conductors, standpipes, hydrants and fixtures and appurtenances in, upon, through and over any and all roads, streets, and avenues, lanes, alleys and bridges within said town of Mount Airy and vicinity, and also full power to dig any and all kinds of wells, artesian or otherwise, that may be desired for getting water supply or establishing electric light and motive power and sewerage: *Provided, however*, that the said town of Mount Airy shall at its own expense and cost repair and replace and return all streets, roads, lanes, alleys and avenues so used by it, and leave them in as good condition as was before its use. Said town of Mount Airy, its officers, agents and servants may enter upon the land of any person or corporation for the above purposes, and may contract for and purchase the same; in case the owner of the land and the commissioners of the town of Mount Airy cannot agree as to the price and damage done thereon, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder of the town, and in case the owner of the land refuses to choose one arbitrator, then the mayor of the town of Mount Airy shall select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, who shall also be a citizen and freeholder of the town, and who, together as a board, go upon the lands condemned, examine and ascertain the damage sustained, take into consideration the peculiar or special benefits

accruing to such owner, if any, and the award of such arbitrators, or a majority of them, shall be conclusive of the rights of the parties, and shall vest in the town the right to use the land and franchises for the purpose specified, and all damages and awards found shall be paid as other town liabilities by taxation: *Provided, always*, that either party may appeal to the Superior Court in the county of Surry, North Carolina: *Provided*, that the power and authority hereby granted shall extend to and be effectual to and in the county of Surry except when the landowner shall refuse to select an arbitrator, then the clerk of the Superior Court of Surry County shall appoint one, who may be a citizen outside of the town: *Provided further*, that the town of Mount Airy shall have power and authority to maintain, keep and repair as heretofore named in this section all roads, right-of-way, egress and ingress from the said town to the water-power or water supply and sewerage system, and shall have power to place, build and maintain all necessary poles, stakes, monuments and construction for the purposes as is heretofore named. And in the event of an appeal by the property owner the town of Mount Airy may pay in said amount to the use of the said property owners into the office of the clerk of the Superior Court of Surry County and upon that event may proceed to use said lands for said purposes.

(c) That the commissioners of the town of Mount Airy are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources and conduit of said water supply, and any and all persons who shall wantonly, maliciously or negligently interfere with the sources of the water supply of said town, or shall place in the water used by the said town before distribution, or while in pipes, mains, reservoirs, aqueducts or wells, any poisonous or unwholesome materials or matter calculated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars (\$50) or imprisoned not more than thirty days: *Provided*, the provisions of this section shall have power and authority in Surry County wherever the lines reach; and *provided further*, that the mayor of the town of Mount Airy shall have jurisdiction over offenses and violations of ordinances committed within the reach of said lines to the same extent and in like manner as he now has within the corporate limits.

(d) Any person who shall willfully, wantonly, maliciously or negligently tap, remove, obstruct, injure, deface or destroy any main, pipe, fire-plug, wire, pole, hydrant, tank, stand-pipe, well, reservoir, aqueduct, pump, machinery, fixtures, structures or

Water supply.

Destructor.

buildings of any kind belonging to said town of Mount Airy and used by it for the purposes aforesaid, or shall leave open, use or tamper with any of the above described fixtures and things, shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars, or imprisoned not exceeding thirty days, and such person or persons shall forfeit and pay to the town of Mount Airy, to be sued for and recovered for in an action of debt, the damages so sustained, and should the person committing such injury be a minor his father or mother or his guardian shall be liable for the said damage.

“Water and light commission.”

SEC. 45. That for the proper management of the systems of water supplies, electric lights and power plant and sewerage system a commission, to be known as the “water and light commission,” is hereby established, which said commission shall consist of three members, to be elected by the board of commissioners for terms of three years each, except that at the first election under this section the terms shall be for one, two and three years; and in case of any vacancy, except by expiration of the term, the board shall elect some person to fill out the unexpired term; and the said commission shall organize by electing one of its members as chairman, whose term as chairman shall be one year.

Commission to have control said systems.

(b) That the said commissioners shall have entire supervision and control of the maintenance, improvement and management of the said systems, and shall fix such uniform rates for water and lights and sewerage as they think best: *Provided*, that any person may appeal from its decision as to rates to the board of commissioners, and the decision of the board shall be final.

Treasurer to keep funds.

(c) The said commission shall keep these funds in the hands of the treasurer of the town, but in an account separate from the other town funds; that such funds shall be paid out only by the order of the said commission, and at the end of each quarter the said commission shall report to the board of commissioners its receipts and an itemized schedule of its disbursements, and shall recommend to the board such an amount as may be safely turned over to the general fund of the town. After hearing the said report and recommendation, the board of commissioners shall decide what sum shall be turned over to the general fund.

Commission to elect officers.

(d) The said commission shall elect all officers, agents and employees necessary to the conduct of said systems and fix their remunerations; but the board of commissioners shall decide which of the said officers, agents and employees shall give bond and the amount thereof.

(e) The board of commissioners may, if it sees fit, allow a remuneration to the members of the said commission, but such remuneration shall last only until the new board of commissioners is elected and qualified.

Remuneration
of members of
commission.

SEC. 46. That the net revenue from said waterworks, electric lights and power plants and sewerage shall be used and applied, so far as may be necessary, to the payment of the interest on any bonds which have been issued or may be issued under the provisions of this act, also to the principal of said bonds when they become due: *Provided*, that any net revenue of the said waterworks, electric lights and power plants not needed from time to time for the payment of such interest and principal may be used by said town for any corporate purpose, if there has been no failure to pay the principal and interest of said bonds as the same become due.

Revenue from
waterworks, etc.

In case the said revenues of the said waterworks, electric lights and power plants shall for any reason not be sufficient to pay the interest on said bonds and to pay the principal of said bonds when such interest and principal become due, the town of Mount Airy is hereby authorized and required, in addition to all other taxes, to levy and collect in the manner and at the time prescribed for the collection of the general town taxes, an ad valorem special tax on all the taxable real and personal property in said town and a proportionate tax on all the taxable polls in said town, sufficient, together with any such net revenues from the waterworks, electric lights and power plants, to provide for the payment of the interest on such bonds when it becomes due, and also to provide for the payment of the principal of such bonds when the principal becomes due; and such taxes shall be applied to the said purposes and no other.

Town to own
streets, etc.

SEC. 46-a. That the town of Mount Airy shall have entire and exclusive ownership and control over all the streets, sidewalks, drainways, culverts, sewer and drainage systems within its corporate limits or of those which may be established outside the corporate limits in connection with either of the above-named systems; and for the purposes of construction, maintenance, repair and operation thereof the town, through any of its officers, shall have the right to enter upon any and all private premises, with or without the consent of the owner. The town of Mount Airy shall have the control and supervision of all street crossings where railroad tracks intersect or cross its streets, whether such crossing be at grade, over or under its streets, and whether such crossings now exist or hereafter may exist by reason of the extension or construction of new streets in the town or by reason of the extension or construction of new railroads or street

Town to have
power to acquire
railroad
companies, etc.

railways. The said town shall have the power to require such railroad company or street railway company, at its own expense, to construct, maintain and repair all such crossings at grade, over or under its streets as aforesaid: *Provided*, that when streets are opened or extended for the development of new property or suburbs, owned by land companies or individuals, and such streets are over, under or across any railway or other public service company's tracks, the cost of such crossings shall be apportioned by the board of commissioners between the parties in interest. The town may, of its own motion, or upon complaint filed with the board of commissioners, cause all obstructions above, across or under its streets, which upon investigation by the commissioners may be found dangerous or unsafe to the public using said streets, to be removed. If, upon investigation by the board of commissioners, the obstruction complained of, above, across or under the street, shall be found dangerous or unsafe for the public using the street, then the board of commissioners shall make and enter an order upon its minutes directing the railroad company or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty days. Any railroad company, corporation or other person failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of fifty dollars (\$50) for each day such obstruction shall be allowed to remain after the notice of removal shall have expired which penalty shall be recovered by suit on the part of the town in the proper court. The said board of commissioners shall have the power to compel all owners of property abutting on streets wherein are laid a sewer or water system to connect such property therewith, under rules and specifications as to the character of the connection as the board of commissioners may adopt, and if any such connection is not made in the time and as provided for by said board, it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land and collected as provided for the collection of unpaid taxes. The board of commissioners shall have the power to forbid any obstruction or stopping of any natural drainway within said town or diverting the water therefrom; and if the owner of land on any natural drainway desiring to improve said property, wishes to lay pipe or construct a culvert or aqueduct to carry water or other drainage off or over said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the board of commissioners and not otherwise.

SEC. 47. That the said board of commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, and if it shall be necessary, in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right-of-way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes; and in addition thereto said board of commissioners shall have power and authority to compel citizens living along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage so as to drain all of the premises along the line of said sewerage, and on default of the owner to make such connection the town can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the town, either by erecting waterworks or by contracting with other persons or corporations, and make all such other public improvements as the health of the citizens and the safety of the property may require; and the board of commissioners shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewer lines, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.

Construction
system of
sewerage.

SEC. 48. That the board of commissioners may acquire, by gift or grant, lands or easements thereon or right-of-way over the same, or the right of use of springs, branches or water courses for the purpose of erecting or maintaining waterworks or conducting the water to the town.

Gift,
grants, etc.

SEC. 49. That the board of commissioners shall have power to purchase, construct and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others and may widen or reduce the width of streets now established, or change any grades the board of commissioners may deem advisable, and without liability on the part of the town to any abutting owner, and may establish parks for pleasure grounds for the citizens of the town and pass ordinances for the protection of shade trees.

Commissioners
have power to
purchase, etc.,
public
buildings.

SEC. 50. That all streets hereafter opened or constructed for the use of the public within the limits of the town or within one

Streets
opened.

mile of the corporate limits as then existing, shall be not less than thirty (30) feet in width and shall conform in location to the streets of the town already constructed or as may be platted and mapped under the direction of the board of commissioners.

Where street
has been
graded.

SEC. 51. That whenever any street of the town has been graded and curbed in whole or in part, including the sidewalks, the owner or owners of the land abutting on said street or part thereof, shall, when the board of commissioners deem it necessary, pave, repave, or repair said street to the extent of one-half of the street adjoining their respective property, with such material (except sandclay or cinders) and in such manner as the board of commissioners shall prescribe and direct: *Provided, however,* that the board of commissioners, in order to secure uniformity in the work, may, after giving ten days notice to the owner that said paving, repaving and repairing is to be made, have all the work provided for herein done by the town or by contract and charge the actual cost of such work to the owner or owners of the abutting property, in the proportion aforesaid, that is, one-half to owners on each side of said street; that said charges shall be a lien on said property of the abutting owners and collected as herein provided for the collection of taxes; that in the discretion of the board of commissioners, payment of said cost and charges may be made in not exceeding ten annual installments, bearing interest from the date of the completion of the work, at a legal rate of interest, per annum: *Provided also,* that the said town shall, out of its general fund, pay for the remainder of said improvements including all intersections of streets so improved: *Provided,* that the paving provided for in this section shall not apply to that part of the territory of the town of Mount Airy lying without the fire limits, as the same is defined at the time of said proposed improvement, unless on a petition requesting said proposed paving, signed by the owners of a majority of the frontage of said street proposed to be paved is presented to and filed with the board of commissioners.

Paving.

SEC. 52. That whenever the board of commissioners shall desire to construct, pave or repave any sidewalk of any street in the town, it shall, through the city treasurer, notify the owner or owners of the land fronting on said street of the time and place when said desired improvements will be considered, and if said board shall determine, by resolution, to make said improvement, according to certain specifications as to material and character of said paving or repaving adopted by it, the said owner or owners shall begin the construction thereof within ten days after notice of said resolution, and complete same in a reasonable time, in accordance with the plans and specifications adopted by the board, and if said owner or owners shall fail to do so, the said

board shall have authority to cause to be constructed, paved or repaved said sidewalk, according to plans and specifications as aforesaid, and shall charge the cost thereof against each respective lot in proportion to its frontage, and cause the same to be entered by the city treasurer, as the board may determine, in a book to be kept by him for that purpose; and the said treasurer shall place in the hands of the city tax collector of said town immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said town. The amounts of such charges shall be and constitute from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same with interest and costs, or the whole of such lot, shall be advertised and sold by the tax collector of said town for the payment of same, under the same rules and regulations and rights of redemption and in the same manner as prescribed in this act for the sale of real estate for unpaid taxes.

SEC. 53. That said board of commissioners may, in its discretion, divide any charge against any owner of land or company for the paving or improvement of such walks or streets in such manner that the same may be paid in annual installments from and after the commencement of such work, with interest thereon at six legal per centum per annum from the date of such commencement.

Charge against
owner of land.

SEC. 54. That all the ordinances existing at this time are hereby declared valid ordinances of the town of Mount Airy unless same are in conflict with the provisions of this charter.

Ordinances
declared valid.

SEC. 55. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting
laws repealed.

SEC. 56. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 161

AN ACT TO INCORPORATE THE TOWN OF HAMILTON LAKES.

The General Assembly of North Carolina do enact:

CHAPTER I. ORGANIZATION

SECTION 1. That there be and is hereby created a new municipal corporation and body politic under the name and style of

Organization.

“town of Hamilton Lakes” embracing a territory hereinafter fully defined and described and the inhabitants thereof, and by the said name the said municipality shall have perpetual succession, sue and be sued, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, and may invest, sell or dispose of same; may have a common seal and alter and renew same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its government or usually appertaining to municipal corporations.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the concrete bridge over North Buffalo Creek on the Friendly Road leading from Greensboro, North Carolina, to Guilford College, North Carolina, the same beginning point being, also the corporate line of the city of Greensboro; running thence in a westerly direction with the center line of the paving on the Friendly Road, twelve thousand nine hundred and sixty-one feet to a point in the center of said road, the point being the property corner of Hamilton Lakes, incorporated, and Dr. C. T. Lipscomb; running thence south three degrees fifty-three minutes west six hundred and ninety-six and two-tenths feet to an iron pipe in an oak stump, Lipscomb's corner; thence south forty degrees nineteen minutes east six hundred and seventy-nine and three-tenths feet to an iron pipe driven in an oak stump, Lipscomb's corner; thence south twenty-five degrees five minutes west one thousand six hundred and eight and six-tenths feet with an old farm road to an iron pipe; thence south eighty-seven degrees thirty-two minutes east one thousand six hundred and sixty-seven feet to an iron pipe; thence south three degrees thirty minutes west five hundred feet to a stake; thence south eighty-seven degrees thirty-two minutes east ninety-nine feet to a gum tree; thence south one thousand eighty-five and nine-tenths feet to the center line of a farm road; thence south eighty-five degrees twenty-five minutes east one thousand three hundred and ninety feet to an iron pipe in the edge of said farm road, Capp's northeast corner; thence south six hundred and twenty feet to a stone, Capp's southeast corner; thence north eighty-five degrees fifty-two minutes west nine hundred thirty-two and eight-tenths feet to a stake six feet east of a maple, C. P. Boren's northeast corner in Allie Edward's southern line; thence south one degree thirty-five minutes west one thousand three hundred and twenty feet to a gum and dogwood corner; thence easterly six hundred and seven feet to an iron pipe, J. L. Crouse's northeast corner, thence south one thousand six hundred forty-five feet to a stake, thence east one

hundred and forty-eight and five-tenths feet to a stake, thence south two hundred and fifteen feet to an iron pipe, Holladay's northeast corner, thence eastwardly one hundred and fifteen and sixty-two hundredths feet to an iron pipe, thence south three degrees and four minutes west three hundred and twenty-five feet to the center line of the Winston-Salem road (Oakland Avenue extended); thence eastwardly with the center line of said road one hundred fifty-three and sixty-two hundredths feet, thence north three degrees fifty minutes east six hundred eighty feet to an iron pipe, thence north eighty-five degrees forty-seven minutes east eight hundred eighty-one and six-tenths feet to an iron pipe, Boren's corner; thence south seventy-two degrees fifteen minutes east six hundred twenty-seven and forty-one hundredths feet to an iron pipe, thence south thirty-two degrees fifty minutes east six hundred thirty-nine and seven-tenths feet to an iron pipe in a gulley bank, thence south eighty-five degrees east one hundred and nine and seven-tenths feet to a stone, Ballinger's original corner; thence still south eighty-five degrees east about one thousand four hundred feet to the corporate line of the city of Greensboro, thence north five degrees east with the said corporate line to a stone, thence eastwardly with the corporate line to the center of the Holden road, thence north five degrees east about seven hundred and seventy-five feet with the Holden road to the western corner of tracts six and seven of the Hill subdivision; thence south eighty-nine degrees thirty minutes east one thousand eight hundred and seventy-four feet to the east corner of tracts six and seven of the Hill subdivision, thence north six hundred and forty feet to the western corner of tracts two and three of the Hill subdivision, thence south eighty-four degrees thirty minutes east one thousand six hundred and ninety-six feet to the eastern corner of tracts two and three of the Hill subdivision; thence south five hundred and thirty-six feet to the center of North Buffalo Creek, the corporate line of the city of Greensboro; thence in a northeastwardly direction with said corporate line, same being the center line of North Buffalo Creek, to the point of beginning, containing approximately one thousand six hundred acres, more or less.

SEC. 3. The corporate powers of said town shall be vested in and exercised by a mayor, town council and town manager, as hereinafter provided, and such officers and agents as are hereinafter provided for, subject to such limitations as may be herein imposed and the executive and administrative powers, authority and duties are distributed as hereinafter set forth; and the government of the said town and general management and control of all its affairs shall be vested in said council, except

Corporate
powers; mayor.

that the town manager shall have the authority hereinafter specified.

“Municipal Corporations”
part of charter.

SEC. 4. Chapter fifty-six of the Consolidated Statutes of North Carolina entitled “Municipal Corporations” and the amendments thereto, except section number two thousand nine hundred and forty-three, shall be deemed a part of the charter of the town of Hamilton Lakes and shall apply to said town, except where the same is inconsistent with this act or inapplicable to said town.

CHAPTER II. THE COUNCIL AND MANAGER

The council
and manager.

SEC. 5. The town council shall consist of three members who shall be elected in the manner hereinafter provided for a term of two years and until their successors are elected and qualified.

SEC. 6. The first officers, except the temporary officers hereinafter provided, shall be elected at the regular municipal election on Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven. Their successors shall be elected thereafter biennially on the date fixed in the charter for the regular municipal election. The first meeting of said council shall be held on Tuesday following the date of their election at two-thirty o'clock p.m., and the terms of office of the mayor and councilmen shall begin at said time. Before entering upon the duties of their respective offices the said mayor and councilmen shall severally make oath before the retiring mayor, city clerk or other person authorized to administer oaths, to faithfully perform the duties of their respective offices. The said council shall, at its first meeting, organize by the choice from its members of a mayor and a mayor pro tempore, who shall hold their offices at the pleasure of the council. The organization of the council shall take place, as aforesaid, notwithstanding the absence, death, refusal to serve or nonelection of one or more of the members: *Provided*, that at least two of the persons entitled to be members of the council are present and make oath, as aforesaid. Any member who shall not be present at the time fixed therefor may make oath at any time thereafter.

Meetings of
council.

SEC. 7. The council shall fix suitable times for its regular meetings, which shall be as often as once a month. The mayor, mayor pro tempore, or any two members of the council may at any time call a special meeting by executing written notice, stating the time of holding such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the council may also be held at any time when all the members of the council are present and consent thereto.

SEC. 8. A majority of the members of the council shall constitute a quorum. Its meetings shall be public and the mayor, who shall be the official head of the town, shall if present preside, and shall have the same powers as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor the mayor pro tempore shall preside. The town clerk shall be ex officio the clerk of the council and shall keep records of its proceedings, but in case of his temporary absence, or in case a vacancy should occur in the office, the council may elect a temporary clerk who shall be sworn to the faithful discharge of his duties and may act as clerk of the council until a town clerk is chosen and qualified. All final votes of the council involving the expenditure of money or the enactment of ordinances shall be entered on the records.

Quorum.

SEC. 9. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Vacancies.

SEC. 10. Neither the mayor nor any member of the council shall receive any salary.

No compensation.

SEC. 11. The council may appoint a town manager who shall be the administrative head of the town government and who 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 town when appointed, which provision shall apply also to the mayor, mayor pro tempore, members of the council and other officers of the town. The town officers shall hold office during the pleasure of the council and shall receive such compensation as it shall fix by ordinance or resolution.

Town manager.

SEC. 12. The council has and shall exercise all legislative powers, functions and duties conferred upon the town or its officers. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay rolls and claims and order the payment thereof, if found to be correct. It shall make all assessments for the cost of street improvements, sidewalks and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the council, reduced to writing and approved by said council, or expressly authorized by ordinance or resolution adopted by the council. All heads of departments, agents and employees are the agents of the council only, and all their acts shall be subject to review and approval and revocation by the council. Every head of de-

Council given authority.

partment, superintendent, agent, employee or officer shall from time to time, as required by law or ordinance, or when requested by the council, or whenever he shall deem it necessary for the good of the public service, report to the council in writing respecting the business of his department or office or employment all matters connected therewith. The council may assign to a head of a department, a superintendent, officer, agent or employee, the duties in respect to the business of any other department, officer or employment, and such services shall be rendered without additional compensation. The council shall elect and have authority over the town clerk, who shall be the clerk of the council.

What the town manager shall be.

SEC. 13. The town manager shall (1) be the administrative head of the town government; (2) see that within the town the laws of the State and the ordinances, resolutions and regulations of the council are faithfully executed; (3) shall recommend to the council for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the town, keep the council fully advised of the financial condition of the town and its future financial needs; (5) appoint and remove all heads of departments, superintendents and other employees of the town, except the officers elected by the council; (6) perform such other duties as may be assigned to him by the council.

Town officers appointed by town manager.

SEC. 14. Such town officers and employees as the council shall determine are necessary for the proper administration of the town, shall be appointed by the town manager, except as otherwise provided, and any such officer or employee may be removed by him; but the town manager shall report every such appointment or removal to the council. All salaries shall be fixed by or approved by the council. The officers and employees of the town shall perform such duties as may be required of them by the town manager, under the general regulations of the council.

Town manager to be purchasing agent.

SEC. 15. The town manager shall be the purchasing agent of the town. In no event shall purchases be made unless authorized by the council.

Illness of town manager.

SEC. 16. In the event that the town manager shall be sick, absent from the town or otherwise unable to perform the duties of his office, the mayor shall be ex officio town manager until the town manager is able to resume his duties, and during said period the mayor shall have all the powers and authority of the town manager. Should the position of town manager be vacated, or in the event of the prolonged illness, absence or incapacity of the town manager, the council may designate one of its members, the mayor or any other person, as temporary town manager, and the person so designated shall have all the powers and authority

of the town manager while he shall serve in that capacity. If the mayor or any member of the council serves as town manager for a temporary period he shall receive such compensation as the council may determine.

SEC. 17. The council shall have power to require all public service corporations and all people doing public service business in the town to make such reports as it may require and shall have a right to an inspection of such books and papers as the State Corporation Commission has a right to require and inspect under the laws so enacted or which may be enacted with reference to public service corporations doing business in the town.

Council
has power.

CHAPTER III. PUBLIC SCHOOLS

SEC. 18. The town of Hamilton Lakes shall not have a public school system, but the citizens thereof may continue to use the county school system and shall not be relieved of the taxes for school purposes now being imposed upon the territory embracing the said town of Hamilton Lakes.

Public
schools.

CHAPTER IV. ELECTIONS

SEC. 19. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, and every two years thereafter, be elected three councilmen who together shall constitute the town council, and there shall also at the same time be elected such other elective officers as may be provided by law. For election purposes the said town shall compose one election district. The council shall divide this district into as many precincts as it shall deem necessary for the convenience of the voters.

Elections.

SEC. 20. The ballots may be either printed or written.

Ballots.

SEC. 21. All elections held in the town shall be held under and governed by the provisions of chapter fifty-six of the Consolidated Statutes of North Carolina, except that said election shall be nonpartisan and except as the several provisions of this charter so conflict with the provisions of the Consolidated Statutes of North Carolina.

Rules.

SEC. 22. On the day following the election the registrar or registrars shall proceed to the town hall and shall canvass the votes cast at said election, and the candidate receiving the highest number of votes shall be declared elected to such office. The said registrar or registrars shall certify the results of said election, giving the name of each candidate and the number of votes received by him or her. Two copies of the report shall be made under his or their hands, one copy shall be given to the mayor and the other filed with the town clerk who, the same day, shall publish the result of the election at the door of the town hall.

Canvass of
votes.

Results.

Tie of votes.

SEC. 23. If, of the persons voted for as councilmen or any other elective officer, there shall be an equal number of votes for any two candidates for like office, and only one by law be elected, in such case there shall be held on the following Tuesday an election in accordance with the provisions herein for holding a municipal election for the town of Hamilton Lakes.

Vacancy.

SEC. 24. If any person elected councilman or any other elective officer shall refuse to be qualified, or if there is a vacancy in any office after election and qualification, or if any councilman or any other elective officer be unable to discharge the duties of his office, the council shall choose some person for the unexpired term or during his disability as the case may be, to act as councilman or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer.

Special election.

SEC. 25. The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any purpose provided in this act. No special election shall be held for any other purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in Guilford County, unless expressly provided to the contrary; that all special elections shall be held under the same rules and conditions as are herein provided for other elections.

SEC. 26. The councilmen and the other elective officers shall hold their respective offices respectively until the next ensuing election and until their respective successors shall be elected and qualified.

Public
libraries.

CHAPTER V. PUBLIC LIBRARIES

SEC. 27. The council may establish separate libraries for the use and benefit of the white and colored races of said town, or either, and may appropriate from the public funds such amounts as may be necessary for the support and maintenance of the same.

SEC. 28. Each of said libraries shall have a separate board of managers to be appointed by the council for such terms as the council may determine.

Powers
specifically
enumerated.

CHAPTER VI. POWERS SPECIFICALLY ENUMERATED

SEC. 29. The council shall, in addition to the other powers given them herein and by general law, have full power:

(a) To declare forfeited and terminate franchises granted persons or corporations for street railways, electric light, telephoné, telegraph, gas, power or other public service purposes, whenever the condition upon which such franchise or franchises

were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered or forfeited.

(b) To appoint and remove from office the judge of the municipal court of said town.

(c) To license, tax and regulate trades, occupations and professions.

(d) To condemn any land that may be required for the purpose of erecting any building or buildings for town hall, market house, fire house, graded and public schools, parks, lakes, play grounds, and for any other public purpose, whether like those enumerated above or not: *Provided*, that the procedure in such condemnation proceedings shall be the same as herein provided for the condemnation of lands for streets.

(e) To pass ordinances or resolutions for the condemnation of property for the purpose of widening, altering, changing or extending any of the streets of the town and for opening new streets and for the construction and maintenance of drains, sewers, combination drains and sewers, and for any other public purpose provided for in this act.

(f) That upon any reasonable complaint by responsible party or parties that the rates charged by any public service corporation are unreasonable, the council shall carefully investigate the rates complained of and if found unreasonable shall endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said council shall enter upon its record an order directing the corporation to charge not exceeding such maximum rates as the council may deem proper. The council shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the records in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered to do so, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After full hearing the Corporation Commission shall decide the question involved either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding, unless reversed on appeal. Either party shall have a right to appeal to the courts. The order of the council shall not become effective until approved by the Corporation Commission as aforesaid.

(g) To make appropriations in the discretion of the council to any association in or out of the town organized for the purpose of advertising or promoting the public interest and general welfare of the town, or for taking a census of the town.

(h) To prohibit the location of hospitals within the town, or to fix the location of such hospitals; to prohibit the location of factories, mills, or any other kind of business which in the opinion of the council may be inconvenient or inappropriate for a residence town; to fix the location of any stores or business houses that may be allowed within the said town, and to do all other things which in the opinion of the council may be proper and appropriate for maintaining the character and beauty of the town of Hamilton Lakes as a distinctively residence town.

(i) To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, happiness, good order, better government and general welfare of the inhabitants of the town as are not inconsistent with this act and the statutes of the State of North Carolina, having due regard always to the fact that the town of Hamilton Lakes is distinctively a residence town.

CHAPTER VII. TAXES

Taxes.

SEC. 30. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the town, the council shall have power and it is authorized to levy and collect for general purposes for the year one thousand nine hundred and twenty-five and annually thereafter an ad valorem tax on all real and personal property within the corporate limits of said town and on all personal property, including money on hand and solvent credits owned by the residents of said town, and on all other property subject to ad valorem taxes under the laws of the State of North Carolina not exempt from taxation under the Constitution and laws of said State as of May first in each year (or the date fixed by law for the county) of and at the rate not exceeding the rate allowed by general law, and shall further levy and collect such amount ad valorem as may be necessary to pay the interest and principal of bonds issued by the town. The term "real property" as used in this act shall be construed to mean the same as defined in the tax laws of the State, and the term "personal property" as used in this act shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September first of each year, and a discount may be allowed by the council for the payment of taxes as follows: For

the payment of all taxes during the month of September, two per cent; during the month of October one per cent; during the month of November one-half of one per cent, and for all taxes not paid prior to January first following the said council shall charge the following penalties: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, a penalty of two per cent; and for each additional month or fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as said taxes.

SEC. 31. Said council may also levy and collect for general purposes a poll tax not exceeding one dollar, said poll tax to be levied on the taxable polls of all male persons who may be residents of the town, on the first day of May of each year, or such date as may be fixed by law for the county of Guilford. Poll tax.

SEC. 32. The council shall provide ordinances for the prompt collection of all taxes. That if all of such taxes are not paid on or before the first day of February next following the listing of said taxes, the tax collector shall proceed to collect such taxes and penalty by distress and sale, as provided by law: *Provided* the time for listing property for taxes shall be during the month of May of each year, or as fixed by the said State for listing in the county, but the collection of taxes for the town shall be upon the basis of assessment for county purposes. Ordinances
for tax
collection.

SEC. 33. That all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said town to prosecute offenders against this section. Failure to
pay poll tax.

SEC. 34. That as soon as the tax collector shall have furnished the assessment roll as provided, and the same shall have been revised by the council (if said revision is deemed necessary), the council shall proceed to levy the taxes on such subjects of taxation as provided in the charter and shall place the tax lists in the hands of the said tax collector for collection. Levy of taxes.

SEC. 35. That in addition to the subjects listed for taxation the said council for the purpose of raising revenue may levy, assess and collect annual license taxes on any business, profession, trade or avocation of any kind carried on in the town of Hamilton Lakes, which under the Constitution and laws of North Carolina is taxable by the General Assembly, or any trade, business or profession not exempted by law from license taxes. Additional
taxes.

Graduation of
license tax.

SEC. 36. The council shall have the power to graduate any of the license taxes permitted in this charter by dividing the business into classes according to size, patronage or income, provided the said taxes must be uniform for all in a class.

Additional
power of
council.

SEC. 37. The council shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued, on the following business, namely: For running billiard tables, bowling alleys or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play with or without a name for the use of which a charge is directly or indirectly made; pawnbroker, fruit or vegetable stands, restaurants, drink stands, lunch counters, dance halls, pressing clubs, theaters, vaudeville or moving picture houses or shows, and any other business the council may determine may be placed in this class. Before issuing license as above, said council may require bonds from all applicants, conditioned as the council may determine, with such sureties as the council may approve.

SEC. 38. The said council may construct, own, lease, opera houses and theaters, and may operate and conduct the same or lease the same, as it may deem best. And the said council may erect, construct or otherwise provide, operate, conduct, lease, manage and control lakes, piers, boat houses, grandstands, stadiums, clubhouses, golf courses, places for athletics or other amusements, tennis courts and other games, and may encourage by having municipal bands, orchestras, choruses and otherwise encourage and promote the enjoyment of music; may own, construct, operate, manage and control museums and art galleries; may promote, manage and contract athletic, sporting, musical, artistic and such other contests, expositions, exhibitions and displays as the council may think best, and generally the said council may provide, pay for in whole or in part, manage and control such amusements, recreations and education as it may deem proper. The council may, if it deems best, build a town hall either separately or in connection with any other building; may, if it deems best, combine the town hall with a theater, clubhouse or any other building for public use.

Police, sanitary
and fire
provisions.

CHAPTER VIII. POLICE, SANITARY AND FIRE PROVISIONS

SEC. 39. The chief of police, acting under the town manager, shall have the supervision and control of the police force, and it shall be his duty to report to the town manager any failure of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of penalties, fees and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the town are enforced, to do all such things as

may be required of him by the chief or the town manager. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation and peace of the town, such power and authority to be exercised by them not only in the corporate limits but within one mile outside thereof. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with the violation of the law or town ordinance in the manner and to the extent that such power is vested in sheriffs. They shall receive and turn over to the town clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like services.

SEC. 40. The keeper of the common jail of the county of Guilford is hereby required to receive into said jail, without a mittimus, any persons taken up in the night time by the police force and to keep such persons safely until the following morning when such offender shall be brought out for trial: *Provided*, the town may provide and use a prison or calaboose for the use of prisoners, as provided by law.

Jail keeper.

SEC. 41. The council may, by ordinance, provide for the removal by wagon, or carts, of all garbage, slops and trash from the town.

Removal of
wagons, etc.

SEC. 42. The council, chief of police, town manager, or other officer or officers who may be designated for this purpose by said council, shall have power summarily to remove, abate, remedy, or cause to be removed, abated or remedied, anything in the town limits or within a mile of said town limits, which is a nuisance or dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default and if not paid shall be levied upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Removal of
nuisances.

SEC. 43. In case of fire the mayor, town manager or any two members of the council may order the blowing up, tearing down or destruction in any other way that may seem best of any building, when it is deemed necessary to stop the progress of the fire, and no person shall be held liable, civilly or criminally, for acting in obedience to the order thus given.

In case of fire.

SEC. 44. That the council may construct and provide a fire house, fire houses, fire apparatus and other means of fighting fire, as it may deem best.

Construction of
fire house, etc.

SEC. 45. The council shall do all in its power to prevent fires, and shall prohibit the use of any roofs made of wooden shingles, paper, or other combustible materials.

CHAPTER IX. WATER SUPPLY

Water supply.

SEC. 46. The council shall have power to acquire and hold in the name of the town, rights-of-way, water rights, within and without the town limits, and the council shall have power to condemn and take rights-of-way, easements, and water rights within and without the town for the purpose of getting, storing and maintaining and furnishing pure and adequate supply of water and furnishing lights for the town and its citizens; that the proceedings in said condemnation shall be the same as herein provided for the condemnation of land for street purposes.

Council to have control of water system.

SEC. 47. The council shall have entire supervision and control of the maintenance, improvement and management of the said water system, and may make such arrangements with other towns, cities or individuals for the purchase of water as it may deem best, and shall fix such uniform rates for water and lights as it may deem best. The council shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made, and the same may at any time thereafter be collected either by suit in the name of the town or by the collector of the taxes for the town by the sale of the property upon which said lien attaches, at the courthouse door in the city of Greensboro, North Carolina, after advertising same for thirty days in some newspaper published in the county of Guilford; and the sale is to be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided in the charter of the town for the sale of real estate for taxes; that upon the failure of the owner of the property for which said water is furnished, under the rules and regulations of the said council, to pay said water rent when due, then the said council or its agents or employees may cut off said water from said property, and when so cut off it shall be unlawful for any person, firm or corporation, other than the said council or its agents or employees, to turn on said water to said property or to use the same in connection with the said property without having first paid said water rent and obtained permission from the town manager or some other officers to turn on the said water; and any other person, firm, or corporation convicted of the violation of any one of the provisions contained in this section shall be deemed guilty of a misdemeanor.

CHAPTER X. STREETS AND CONDEMNATION

Streets and
condemnation.

SEC. 48. The council shall have power to control, grade, macadamize, cleanse and pave and repair the streets and sidewalks of said town, and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public streets and parks, and regulate, control, license, prohibit and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles; to prevent, abate and remove obstructions, encroachments, pollution or litter therein, and shall have under their government, management and control all parks and squares within or without the city limits established for the use of the city.

SEC. 49. Every owner of a lot abutting on a street, if so ordered by the council, shall pave or repair in such a manner as the council may direct the sidewalk as far as it may extend along such lot; and shall also, if so directed by the council, pave or otherwise improve one-half of the street adjoining and abutting such lot, exclusive of the street at street intersections and the portion occupied by any street railway or other railroad as part of its right-of-way, with such materials and in such manner as may be required by the council, and all work done under this section shall be under the strict supervision of the city manager, and on failure to do so as directed within thirty days after notice from said city manager or the chief of police to said owner (or if the owner be a nonresident, thirty days after publication for ten days in a newspaper published in Greensboro of a notice directed to said owner), calling on the owner to make such repairs, the council or the city manager may cause the same to be made, and the expense shall be paid by the owner or owners in default, and the expense thereof shall be a lien upon said lot superior and prior to all liens except taxes, and collected in the same manner as is provided by law for the collection of taxes: *Provided, however,* that when any street or section of a street has become in such condition as to be unsafe and dangerous, and the public interest requires that said street should be paved, repaired or otherwise improved, the said council in order to secure uniformity of work and material may, without petition therefor, adopt an ordinance or resolution reciting that such street or section of street is in a dangerous and unsafe condition, and order the same to be paved in the same manner as provided in Consolidated Statutes, chapter fifty-six, article nine, entitled "local improvements" and the procedure shall be the same as set

Owner of lot
abutting on
a street.

out in section two thousand seven hundred and eight to section two thousand seven hundred and twenty-six, inclusive, of said law, except the finding by the town council that said street is in a dangerous and unsafe condition shall dispense with the necessity of a petition from owners of abutting property for the paving, repairing or improving of said street or portion thereof; and the cost of paving, repairing or improving said street or portion of any street, except at intersections and portions occupied by railroads and street railways as rights-of-way, shall be paid by abutting property owners, one-half on each side of said street, according to lineal feet abutting said street, while the cost at intersections shall be paid by the town; and the cost of paving the portions of the street occupied by any street railway or railroad as right-of-way shall be paid by such street railway or other railroad; and the respective portions of the cost of such work or improvement shall be liens upon the abutting property and the property and franchises of such street railway or other railroad, respectively, and collected in the same manner as is provided by the Consolidated Statutes of North Carolina, sections two thousand seven hundred and three to two thousand seven hundred and twenty-six, inclusive. Said work may be paid for from any available funds for street paving purposes and may be repaid by those against whose property liens are assessed in ten equal annual installments, with interest at six per cent per annum upon deferred payments.

Right-of-way.

SEC. 50. When any land or right-of-way shall be required for the purpose of opening new streets, or widening or changing those already opened, or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the council, the same may be condemned and taken by the council at a valuation to be made by three disinterested freeholders of the town, one of whom shall be chosen by the council and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified (personally or by publication for five days in a newspaper published in Guilford County), so to do, then it shall be the duty of the council to appoint a disinterested freeholder to act on the part of said owner or owners, and in making said valuation said freeholders, after giving the owner or owners or their agents notice, or giving ten days notice in a newspaper published in Guilford County, in case such owner cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may

accrue to the owner in consequence of the land or right-of-way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property and report the same to the council under their hands and seals, which report, on being confirmed by the council and spread upon their minutes, shall have the effect of a judgment against the town, and shall pass the title to the town of Hamilton Lakes of the land so taken, and the land may at once be taken and used by the town for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: *Provided, however*, that such appeal shall not hinder or delay the council in opening, widening or changing such street or making such improvement: *Provided further*, that if the said town and the owner or owners are unable to agree on the price of any land needed for the purposes aforesaid, or any other purpose for which the town is authorized to condemn lands, the said condemnation of said land may be made in the same manner and under the same procedure as is provided in chapter entitled "eminent domain," article two of the Consolidated Statutes of North Carolina.

SEC. 51. Whenever, in the opinion of the council, it is for the best interest of said town that any street be widened, said council, by a majority vote, shall pass an ordinance declaring that such street should be broadened the distance on each side of the then existing street lines that shall be named in said ordinance, and the distance need not be the same on both sides of said street.

Widening of street.

SEC. 52. After the passage of such ordinance it shall be unlawful for any new building to be constructed upon the space that is included in the new territory added to such street, and after the passage of such ordinance it shall be unlawful for any building which covers any part of the territory added to such street to be repaired without special authority from the governing board of said town.

Unlawful; new buildings.

SEC. 53. Whenever a new building is to be erected on a lot abutting a street broadened as hereinbefore provided, the owner shall remove any parts of building on the space covered by the broadened street, and such owner may then dedicate to the town the space or portion of his lot in the broadened boundary of such street, or if he will not dedicate the same to the town he shall submit to the council a written proposition naming the

New buildings.

price and the terms upon which he will sell the portion of his lot that is added by ordinance to the street.

Case of
disagreement.

SEC. 54. If the owner of the lot and the council cannot agree upon a price for the portion of the property that is thus added to the street, then upon petition either of the owner of the lot or of the governing board of the town the damages and benefits to the owner or owners may be determined as provided in this act or by laws of this State for the condemnation of property for railroad purposes. The proceeding shall be brought by or prosecuted against the town in its corporate name, and both parties shall have the same rights of exceptions and appeal as are provided by said statutes.

No action
against town.

SEC. 55. No action shall be maintained against the town, and no special proceeding to determine damages shall be brought against said town on account of the ordinance broadening any street until such time as the building or buildings upon the property at the time of the passage of the ordinance are removed or condemned.

Condemnation
of land.

SEC. 56. Whenever the council shall desire to condemn any lands for a single improvement, street widening, or other purpose, it shall not be necessary to have separate proceedings against the different owners of parcels of land needed for said improvements, street widening or other purpose, but in any proceeding under this act or the general laws of North Carolina relating to "eminent domain" the council may adopt a single resolution or institute a single proceeding against all the owners of lands needed for such improvement, street widening or other public purpose, and in such case the owner or owners, or a majority of them, shall choose one of the appraisers (if it be a proceeding in which they are entitled to choose one) and if a majority of them do not agree on an appraiser within the time provided, an appraiser to act on their behalf may be appointed by the governing body, as provided in section fifty.

CHAPTER XI. SALES OF PROPERTY

Sales of
property.

SEC. 57. The council may sell at public outcry, after thirty days advertisement, as provided by law for sales under mortgages, any real or personal property of the town held or used for any purpose whatsoever, except where deeded to the town to be held for a certain purpose in perpetuity. Before advertising said property for sale the said council shall adopt, by two-thirds vote at least of all members of the council, a resolution describing the property to be offered for sale and authorizing such sale. The advertisement shall be published in a newspaper published in the county of Guilford, once a week for four weeks, and posted in the manner required by law for thirty days prior

to said sale, and it shall contain a description of the property, the terms of sale, and shall further state that any offer or bid received must be accepted and confirmed by the council before said sale shall be effective. After the bids have been received at said sale the highest bid for said property shall be reported to the council, and within ten days thereafter the council shall accept or reject the bid. If rejected, the council may readvertise said property for sale.

CHAPTER XII. CLAIMS AGAINST THE TOWN

SEC. 58. That no action shall be instituted or maintained against the town of Hamilton Lakes upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the council of said town and said council shall have declined to pay or settle the same as presented, or for ten days after such presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time which claim accrued or demand arose, or in any manner to interfere with its running.

Claims
against town.

SEC. 59. That no action for damages against said town of any character whatever, to either person or property, shall be instituted against said town unless, within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice in writing to the council of such injury, stating in such notice the date and place of happening or infliction of such injury, 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.

No action
for damage.

CHAPTER XIII. MISCELLANEOUS

SEC. 60. The said town may purchase and hold lands without the said town for cemetery purposes, or acquire the same by condemnation in the same manner as it may acquire lands for street purposes; and may acquire and hold not exceeding three hundred acres of land for such purposes: *Provided*, no cemetery shall ever be placed within said town.

Miscellaneous.

SEC. 61. Whenever a new ordinance is enacted by the council of said town, the same shall be published once in some daily newspaper in the city of Greensboro.

New ordinance.

SEC. 62. The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of

said town, or ordinances which may except from their operation any district or section of said town, if in the judgment of the council the conditions in such sections or districts require it to be included in or excepted from the provisions of any such ordinance.

CHAPTER XIV. COUNCIL

SEC. 63. Until after the first election, as hereinbefore provided for the council of the town of Hamilton Lakes, the following persons shall constitute the council of the town of Hamilton Lakes, and shall have all the authority and power granted herein: A. M. Scales, H. W. Cobb, Jr., and R. G. Moser.

SEC. 64. That nothing in this act shall in any way limit or abridge or repeal any authority vested in the city of Greensboro by virtue of chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, known as the new charter of the city of Greensboro, and amendments thereto.

SEC. 65. This act shall take effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 162

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of an act entitled "An act to incorporate the city of Durham and repeal the present charter and all amendments thereto," Private Laws, nineteen hundred and twenty-one, be amended by striking out the words contained in the next to the last sentence, to wit: "And every ordinance or resolution shall require on its passage the affirmative vote of at least five of the members," and insert in lieu thereof the following, to wit: "And every ordinance or resolution shall require on its passage the affirmative vote of a majority of the members of the city council."

SEC. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in full force and effect immediately upon its ratification.

Ratified this the 6th day of March, A.D. 1925.

Council.

Application
of act.

Amendment

Conflicting
laws repealed.

CHAPTER 163

AN ACT TO AUTHORIZE THE RHODHISS GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of Rhodhiss graded school district in Caldwell and Burke counties, North Carolina, formed under the provisions of chapter twenty-two and one hundred and four, Private Laws of one thousand nine hundred and five, be and they are hereby authorized and empowered to issue bonds of said district in a sum not to exceed one hundred thousand dollars, to be of such form and tenor and of such denominations and bearing such date and dates and such rate of interest, not exceeding six per cent, and the principal and interest payable semiannually at such time, or times, and at such place, or places, as the said board of trustees may determine to be for the best advantage of said district.

Bond issue authorized.

SEC. 2. The proceeds of such bonds shall be applied to the construction and furnishing of adequate school buildings in the said district.

Proceeds.

SEC. 3. That before the bonds hereby authorized shall be issued, an election shall be had upon the question of their issuance on the first Monday in May, one thousand nine hundred and twenty-five, under the supervision of such persons as shall be appointed by the board of commissioners of the town of Rhodhiss. And said election shall be held under the provisions of the charter of the town of Rhodhiss. Those favoring the issuance of said bonds and the levying of a special tax in said district for the payment of the principal and interest thereon shall vote a written or printed ticket on which shall be written or printed the words "For bonds," and those opposed to the issuance of said bonds and the levy of said tax shall vote a written or printed ticket upon which shall be written or printed the words "Against bonds." If a majority of the qualified voters at such election shall vote in favor thereof, then said bonds may be issued and the board of commissioners of the town of Rhodhiss at the time of levying municipal taxes shall levy and lay sufficient tax to repay the said bonds at their maturity, and the interest thereon as it may fall due hereafter and become payable.

Question submitted to voters.

Ballots.

SEC. 4. That for the purpose of administration only, that portion of Rhodhiss graded school district which lies within Burke County shall be taken and deemed as a portion of Caldwell County. The board of education of Burke and Caldwell coun-

Transfer portion of county.

ties shall annually apportion to the said Rhodhiss district such portion of the general school funds of the said counties as shall be just, fair and equitable. Two of the members of the trustees of said graded school district shall be citizens of Burke County, and the remaining three citizens of Caldwell County.

Conflicting
laws repealed.

SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 164

AN ACT TO AUTHORIZE ELECTION OF CHIEF OF POLICE OF THE TOWN OF BEAUFORT, CARTERET COUNTY, BY A VOTE OF THE ELECTORS IN REGULAR ELECTION.

The General Assembly of North Carolina do enact:

Election chief
of police.

SECTION 1. That the chief of police of the town of Beaufort, Carteret County, shall be elected by a majority vote of the electors of the said town at the time of the regular elections now prescribed by law and in the same manner and fashion that the mayor and board of aldermen are elected.

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 165

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF AULANDER, BERTIE COUNTY, TO USE THE SURPLUS OF THE WATER AND SEWERAGE BOND ISSUE FOR STREET OR OTHER MUNICIPAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Commissioners
given authority.

SECTION 1. That the commissioners of the town of Aulander, Bertie County, are hereby authorized and empowered, in their discretion, to expend the surplus remaining in their hands, being the unused part of the proceeds of the sale of the water and sewerage bonds issued in one thousand nine hundred and

twenty-four, for the improvement of the streets of said town or for other municipal improvements.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 166

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1923,
RELATING TO THE PUBLIC UTILITIES COMMISSION OF
ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended by striking out, in lines eleven, twelve and thirteen of section one hundred and twenty-four, the words "The mayor of said city shall be ex officio chairman of said public utility commission but shall receive no additional salary on account thereof."

Amendment.

SEC. 2. That said chapter be further amended by striking out from line three of section one hundred and twenty-six the words "other than the mayor."

SEC. 3. That the public utilities commission of Elizabeth City shall on the first Monday in May, nineteen hundred and twenty-five, and biennially thereafter, elect one of their number as chairman, who shall hold office as such for a term of two years or until his successor be elected and qualified.

SEC. 4. That all laws and clauses of laws in conflict or inconsistent with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 5. That this act shall be in force from and after the first Monday in May, nineteen hundred and twenty-five.

Date of effect.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 167

AN ACT TO AMEND CHAPTER 249, PRIVATE LAWS, 1913,
RELATIVE TO RECORDER'S COURT OF ROANOKE RAPIDS,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and forty-nine of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be and the same is hereby amended to read as follows: "That there shall be elected in May, one

Amendment.

Recorder to be elected; compensation to be fixed by board of commissioners.

thousand nine hundred and twenty-five, and annually thereafter, at the same time and place and under the same rules and regulations, that other officers of the town of Roanoke Rapids are elected, a recorder, whose term of office shall be for one year from the date of said election, and who shall hold office until his successor is elected and qualified. That all qualified voters residing in the police jurisdiction of the town of Roanoke Rapids as extended by law shall be eligible to vote for the recorder. The person receiving a majority of the votes for said office in said election of recorder shall be declared to be the recorder."

Amendment.

SEC. 2. That section two of said chapter two hundred and forty-nine be, and the same is hereby amended to read as follows: "That the compensation for said recorder shall be fixed and paid for by the board of commissioners of the town of Roanoke Rapids, and the salary so received shall be in lieu of all other fees and emoluments. All fees collected as cost in said court shall be paid into the treasurer of the town of Roanoke Rapids."

Inconsistent laws repealed.

SEC. 3. That it is not the purpose of this act to repeal any part of the laws relating to said recorder or recorder's court of Roanoke Rapids, or the jurisdiction of same except in so far as the same may be inconsistent with the provisions of this act.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 168

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF WILMINGTON, IN THEIR DISCRETION, TO SELECT ONE OR MORE OF THE TRUSTEES FOR THE WILMINGTON PUBLIC LIBRARY FROM RESIDENTS OF NEW HANOVER COUNTY, RESIDING OUTSIDE OF LIMITS OF CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Trustee
Wilmington
public library.

SECTION 1. That in the selection of trustees for the Wilmington public library, the commissioners of the city of Wilmington, or other body making such appointments, may, in their discretion, select one or more residents of New Hanover County as trustee or trustees for said library, although said resident or residents may not reside within the limits of said city.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 169

AN ACT TO REPEAL CHAPTER 349, PRIVATE LAWS OF 1909, THE SAME BEING AN ACT TO ESTABLISH HARNETT CHAPEL PUBLIC SCHOOL DISTRICT, IN THE COUNTIES OF HARNETT AND WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred forty-nine, Private Laws of one thousand nine hundred and nine, be and the same is hereby repealed. Chapter repealed.

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. Conflicting laws repealed.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 170

AN ACT TO CHANGE THE NAME OF THE SLATER NORMAL SCHOOL AT WINSTON-SALEM TO THE WINSTON-SALEM TEACHERS COLLEGE, AND TO PROVIDE ADVANCED COURSES OF INSTRUCTION FOR ELEMENTARY TEACHERS, ELEMENTARY SUPERVISORS AND PRINCIPALS.

Whereas, there is urgent need in negro schools for elementary teachers who have had a four years course and who hold grammar grade and primary class A, certificates; and Preamble.

Whereas, there is urgent need for negro elementary supervisors and elementary school principals, having had a four-year course in the field of elementary education and who are to qualify for such positions in rural and city schools: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Slater State Normal School, located at Winston-Salem, shall hereafter be known as the Winston-Salem Teachers College. Name changed.

Four year
courses.

SEC. 2. The State Board of Education, subject to the provisions of "An act to place certain normal schools under the control of the State Board of Education," chapter sixty-one, Public Laws of nineteen hundred and twenty-one, is hereby authorized and empowered to establish in the Winston-Salem Teachers College four-year courses in the field of elementary education to train elementary teachers qualified to obtain grammar grade and primary class A certificates, and to train elementary school supervisors and elementary school principals for rural and city schools.

Degrees
subject to
State Board of
Education.

SEC. 3. The degrees to be granted by the Winston-Salem Teachers College for the completion of a four-year course of study shall be subject to the State Board of Education in accordance with article thirty-six, chapter one hundred and thirty-six, Public Laws, nineteen hundred and twenty-three, which gives the State Board of Education authority to regulate degrees.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 171

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SILER CITY, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That the mayor and board of commissioners of the town of Siler City, Chatham County, shall have full power and authority under the ordinances of the board of commissioners to grade, pave, macadamize, and otherwise permanently improve for travel and drainage, any street, sidewalk, and public alley in said town; to put down curbing, cross drains and crossings on the same; to lay and open new streets or widen those already open, and make such improvements thereon as the public convenience may require.

Laying out of
districts, etc.

SEC. 2. That the board of commissioners shall have full power and authority to adopt by ordinance such system of laying out of districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be just and proper; and in order to more fully carry out the duties imposed in the provisions of this act for street improvement, the board of commissioners shall have power and authority to pass ordinances assessing the entire cost of paving, macadamizing all such streets

and sidewalks within any such district or section laid out for improvement on the real estate abutting on each side of the street or sidewalk or portion thereof so paved or macadamized, and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk or part thereof so improved or repaired to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this act: *Provided*, that the board of commissioners shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or sidewalk or public alley, or the portions thereof proposed to be improved which is more than one-half of the frontage abutting on such street, sidewalk, or public alley proposed to be improved, shall in writing request the said board to make such improvement: *Provided*, that the town out of its general funds shall pay the cost of grading, curbing, and paving and permanently improving the street intersections except that part of such intersections required to be paid for by such street railways as in this act elsewhere provided; and *provided further*, that the cost of such improvement shall be financed by the issue of bonds as hereinafter provided.

SEC. 3. All companies, corporations, and persons having franchises or permits, or all companies, corporations, and persons that may be granted franchises or permits in the future to use the streets of the town for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the said board when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or to such work as they may be authorized to do under said franchises; and in case any such company, corporation, or persons fail to lay said railway or pipes or do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except upon the condition that they shall pay such reasonable portion of the original cost of such permanent improvement as may be fixed by the board of commissioners.

Use of streets
for laying pipes,
etc.

SEC. 4. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of commissioners shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or portion of the street so improved, and charge

Estimate of
total cost.

to and assess upon each side of the street upon which said work is done its prorata share of the entire cost of all such improvements as may be made under the provisions of this act: *Provided, however*, in order to avoid obstructing lot owners in subdividing and selling their property by reason of the liens hereby created upon the same, such lot owners may subdivide their lots in such manner as they see fit and shall file in the office of the town clerk and treasurer a plat of the subdivision, making the lots fronting on the street so paved or improved of any desired frontage, and the assessment made and the liens created by virtue of this act for street improvement shall thereafter affect and attach to such front lots only, and where in any such cases lands fronting on such improvements are so subdivided into lots, each of said lots front on such improvements shall be and remain chargeable with its ratable proportion of said assessment and liens, according to its frontage; that the mayor and board of commissioners shall cause to be established a permanent grade on any such street, sidewalk, or public alley abutting on such street, sidewalk, or public alley, to be accurately surveyed and a map to be made of the various lots and properties or portion thereof so proposed to be improved, showing the exact frontage of each lot, and also the subdivision, if any, and the said map shall be filed with the town clerk and treasurer to be subject to public inspection; and when the assessments and liens, as provided for in this act, shall have been made upon the various lots and properties on the streets, sidewalks, or alleys, the town clerk and treasurer, or other proper clerical town officer, shall write upon said map the amount assessed upon the same, and he shall keep a properly indexed record book showing such assessments and liens, and the date and amount of all payments made on any to the said assessments and liens: *Provided further*, that no assessment against any piece of property improved as in this act provided shall in any case exceed the amount of special benefit to or enhancement in value of said property by reason of said improvements, or twenty per cent of the assessed taxable value thereof, and where permanent street improvements shall be made the property bearing such assessments shall not be so assessed again until after the expiration of ten years from the date of the last preceding assessment: *Provided further*, that in case any street or part of a street laid out as a district for permanent improvement is of such unequal width as to render the plan of equalization of assessments as above set out unjust to any abutting property owner, then and in that case the board of commissioners are authorized to provide such district into subdivisions and to apply the rule of equalization of assessments prescribed herein to such sub-

Survey.

Proviso.

Permanent
street
improvements.

Proviso.

sections, instead of to the entire district or section; and the board may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district. The cost of all such improvements for special benefits to property as estimated in the above manner shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as hereinafter provided.

Special tax.

SEC. 5. That the notice of the assessment of special benefits by the board of commissioners, as herein elsewhere provided in this act, against abutting property on any street, sidewalk, or public alley in any such improvement district or section, shall be given at least once a week for two weeks in some newspaper published in the town of Siler City, which notice shall state the time and place that such assessments are to be made and determined; and shall notify all persons interested in any particular improvement district or section of such assessment to appear and show cause, if any, why such assessment shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; and if he has none it shall be the duty of the clerk of the Superior Court of Chatham County to appoint a guardian ad litem to act for him. That any person who shall feel aggrieved by the findings of said board with reference to said assessment for such permanent improvements shall have the right within ten days after such findings of said board, and not after that time, to file his objections to such findings and to appeal from the decision of said board to the next term of the Superior Court of Chatham County, North Carolina, by serving upon said town notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings and by filing, within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Chatham County, a written undertaking in at least the sum of two hundred dollars, with sufficient surety to be justified before and approved by said clerk, to the effect that said appellant will pay the said town all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the board of commissioners the ordinance laying out the specially improved districts, the action of said board in determining special benefits, the objections of the property owner filed thereto, and all other papers material to the matter shall constitute the case on appeal and be certified by the town clerk and treasurer to the Superior Court and shall be docketed on the civil issue docket and stand at issue as other civil cases regularly brought in such court with leave to either party to

Notice of assessment.

Appeal.

file such pleadings and papers as he may deem necessary; if all the issues be found in favor of the appellant on such appeal as above provided for, the lien for said assessments shall be discharged; if, however, the issues or any of them be found in favor of the town of Siler City to any amount, then judgment shall be rendered in favor of said town for such amount, to the end that no merely technical objections shall defeat the rights of the town; and the amount so found, together with the cost of such appeal, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the findings of said board of commissioners, and shall be collected by the tax collector of the town of Siler City, as elsewhere in this act provided.

Notice.

SEC. 6. That in lieu of notice by publication to property owners affected by improvements to abutting real property, as elsewhere provided in this chapter, the board of commissioners, if it so determine, may give ten days personal notice to all persons affected by any permanent improvements for which a charge is to be made on real estate to appear before said board at a certain time and place to show cause, if any, why such assessment should not be made, which notice may be served by any policeman of the town of Siler City or any other proper officer.

Abutting
property
owners to pay
cost of
macadam.

SEC. 7. This act shall be construed to make it mandatory on the board of commissioners to require abutting property owners to pay the cost of macadam, bitulithic, asphalt, vitrified brick and other permanent pavements against the abutting property, as elsewhere provided in this act: *Provided further*, that nothing in this act shall be construed to make it mandatory on the board of commissioners to issue bonds to finance the construction of sidewalks, but said board may require the construction of sidewalks, and charge the entire cost of same, not including curbing, to the abutting property, the property on each side of the street to pay or bear the cost of the sidewalk on its respective side, which cost shall be a lien on the abutting property, as herein elsewhere provided, and paid immediately, or as soon thereafter as practicable, by the property owners, and not by an issue of bonds, as is elsewhere provided, if the board of commissioners so determine, and such charge or assessment shall be enforced and collected by the tax collector by the sale of the abutting property specially benefited in the same manner as real estate is sold for taxes.

Cost to be lien.

Notice
published.

SEC. 8. As soon as the amount chargeable to real estate to be specially benefited as is provided in other sections of this act is finally determined by the board of commissioners, and after the contract is let for any such work or improvement, the board

of commissioners may cause a notice to be published once a week for two weeks in some newspaper published in the town of Siler City substantially in the following form:

"Street improvement notice. Notice is hereby given that a contract has been let for (describing work and street, sidewalk, or alley), and that the improvement chargeable to the real estate to be specially benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the town clerk. It is proposed to issue bonds chargeable to the said real estate to pay the special assessments, and such bonds will be issued covering all of said assessment except in cases where the owners of the property file with the town clerk, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same."

"Street improvement notice."

SEC. 9. After the expiration of the time fixed for filing notice of election to pay the special assessment as provided in the preceding section, the board of commissioners may issue improvement bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as stated in the preceding section, which bonds shall be of corresponding amounts and known as "Street improvement bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum; and shall be sold for not less than par; and shall be signed by the mayor and attested by the town clerk; and shall contain such recitals as may be necessary to show that they are chargeable to particular property; and may be sold at either public or private sale, and the interest upon the said bonds shall be payable semiannually, and each installment of interest shall be represented by corresponding coupons; the respective series of the said bonds shall be payable annually, and the last series thereof shall be payable not exceeding ten years from the date of their issue; the proceeds collected by the town treasurer shall be paid to the contractor when due him, or the contract may provide that the contractor shall take bonds as payment on his contract, at their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any such bonds, until all of them are paid, when the tax roll or levy for the year is prepared, sufficient special assessments of taxes on each parcel of land covered by said bonds to pay the annual installment of the principal and interest on the amount of such special assessments then unpaid shall be included in the tax levy or roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other town tax, to be collected in the same manner and constitute

Improvement bond issue.

a lien on the property affected, and in every respect the same as other taxes.

Funds derived
from
assessments.

SEC. 10. That all funds derived from assessments heretofore or hereafter levied by the mayor and board of commissioners of the town of Siler City upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the town of Siler City, constitute a special fund, to be designated as "Street improvement fund," and the same, with funds derived from the taxes hereafter authorized to be levied for street improvement, shall be kept separate from all other funds of the town, and a separate record thereof shall be kept by the town clerk, and said funds and every part thereof shall be applied by the said mayor and board of commissioners, exclusively to the grading, paving, macadamizing, or otherwise improving the streets of said town according to the true intent and meaning hereof.

No action
for damages.

SEC. 11. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town unless within six months 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 town 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 character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of happening or infliction of such injury or in any manner interfere with its running.

SEC. 12. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 172

AN ACT TO AMEND CHAPTER 96 OF THE PRIVATE LAWS OF 1913, RELATIVE TO THE CHARTER OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter ninety-six of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended as follows: By striking out of line ten, section four, the words "one thousand," and inserting in lieu thereof the words "twenty-four hundred"; and by striking out of lines twenty-one and twenty-two, section nineteen, the words "six

hundred," and inserting in lieu thereof the words "twelve hundred"; and by striking out of line fifteen, section twenty, the words "eight hundred," and inserting in lieu thereof the words "two thousand."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 173

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF SCHOOL TRUSTEES OF WADESBORO GRADED SCHOOLS, ANSON COUNTY, FROM 5 TO 7, 2 OF WHOM SHALL BE WOMEN.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of school trustees of the Wadesboro graded schools, Anson County, shall consist of seven members, two of whom shall be women, and the two additional members provided by this act shall be appointed by the county board of education of Anson County to serve for a like period as the other members of said board.

Salary increased.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 174

AN ACT TO AMEND CHAPTER 141 OF THE LAWS OF 1885, RELATIVE TO PUBLIC SCHOOLS IN RALEIGH TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That between section number five and section number six there shall be a new section, entitled section number five-A, and which shall read as follows: The said school committee of Raleigh Township, Wake County, North Carolina, shall have the right and power to borrow money upon anticipation of money to be received from taxes, for the purpose of paying

Amendment.

salaries to the teachers, and other expenses incurred in the operation of said public schools in Raleigh Township.

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 175

AN ACT TO PROVIDE FOR THE SUBMISSION TO THE VOTERS OF THE TOWN OF ROXBORO THE QUESTION OF EXTENDING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Extension
corporate limits.

SECTION 1. That if at an election held as provided by this act a majority of the qualified voters shall approve the extension of the corporate limits of the town of Roxboro as herein provided the boundaries of said town shall thereafter be as follows, to wit:

Boundaries.

Beginning at an iron stake at Cary Brook's field on the west side of route thirteen (which is south forty-three degrees and thirty minutes east seventy-seven and eight-tenths feet, south seventeen degrees and thirty minutes east one thousand eight hundred and forty-one and five-tenths feet, south fifty degrees and thirty minutes east two hundred and sixty-two and four-tenths feet to a U. S. G. S. stone established in one thousand eight hundred and eighty-eight true meridian in the center of the Roxboro cemetery); thence north fifty-eight degrees west three thousand eight hundred and seventy-eight and six-tenths feet to an iron stake, southwest corner of the Roxboro filter plant lot; thence north three degrees twenty-six minutes west three hundred and twenty-eight feet to an iron stake the northwest corner of the Roxboro filter plant lot; thence north seventy degrees and forty-one minutes east twenty-four and nine-tenths feet to a stake which is twelve and one-half feet west of the pipe line leading from the reservoir to the filter plant; thence north ten degrees and fifty-five minutes west four thousand four hundred and four and eight-tenths feet to an iron stake in Long's field, which is twelve and one-half feet west of the pipe line; thence north thirty-three degrees and fifty-five minutes east three thousand one hundred and ninety-seven and seven-tenths feet to an iron stake in J. H. Carver's old house front yard; thence north fifty-eight degrees and forty-six minutes east four thousand eight hundred and thirty-nine and seven-tenths feet to an iron stake on the west side of Tan Yard Branch; thence down said branch two thousand nine hundred and thirty-

seven and seven-tenths feet to the forks of Marlow's Creek; thence up said creek to an iron stake on the west bank of said creek in W. H. Long's property nine thousand eight hundred and sixty-four and seven-tenths feet; thence south twenty-nine degrees and fifty-four minutes west one thousand and forty-two and eighth-tenths feet to an iron stake in Sergeant and Clayton's property; thence south ten degrees and fifty minutes west four thousand and fifteen and three-tenths feet to the beginning.

SEC. 2. That at any time after the passage of this act the board of commissioners of Roxboro, of its own volition, may and it is hereby authorized to call an election, at which shall be submitted to the qualified voters, including both those within the present corporate limits of said town and the territory which it is proposed to add thereto, the question of whether the corporate limits of said town shall be so extended, and if a majority of the qualified voters shall fail to vote for said extension the said board of commissioners may thereafter, from time to time, call other elections at which said question shall be re-submitted to the said voters: *Provided*, that at any time that said board of commissioners failing to act of its own volition, it shall be its duty, upon the written petition of twenty per centum of the qualified voters embraced in the present boundaries of said town, to call an election for said purpose: *Provided further*, that no such election shall be called within six months next after a similar election shall have been held.

Election called.

SEC. 3. That upon the call of said election the board of commissioners shall appoint a registrar and two judges of election, and shall provide for the registration of persons qualified to vote living within the territory described in section one of this act, and it may in its discretion order a new registration of all voters therein. If no new registration is ordered the existing registration book of said town shall be kept open, in the manner and during the time provided by law in municipal elections, for the registration of voters living within the present boundaries whose names do not appear on the registration books, and at the same time a separate book, to be provided by the board of commissioners shall be kept open for the registration of voters living within the new territory which it is proposed to add to said town, and such registration books, together, shall be considered the registration books for said election and for any subsequent election for which a new registration of voters is not ordered. At such election any qualified elector who shall have been a resident of said proposed new boundaries for four months immediately preceding the date of the election at which he offers to vote shall be entitled to register and vote.

Registration.

Qualifications
of voters.

Ballots.

SEC. 4. That at such election those favoring the extension shall vote a written or printed ballot on which shall appear the words "For extension," and those opposing the extension shall vote a ballot on which shall appear the words "Against extension."

Rules of election.

SEC. 5. Except as herein otherwise provided the said elections shall be conducted and the result thereof shall be canvassed and declared in the manner provided by the then general law governing municipal elections.

SEC. 6. This act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 176

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO PURCHASE GREENFIELD LAKE AND PROPERTY CONNECTED THEREWITH FOR PUBLIC PARK PURPOSES AND PROVIDING METHODS FOR THE PAYMENT OF SAME.

The General Assembly of North Carolina do enact:

Wilmington
authorized
purchase
Greenfield Lake.

SECTION 1. That the city of Wilmington is hereby authorized and empowered to purchase and hold for the use of the public the property known as Greenfield mill pond or Greenfield Lake and such additional property connected therewith as may be necessary, in the discretion of the governing body of said city, for the purpose of creating a public park. The governing body of the city of Wilmington is hereby authorized to acquire said property by purchase at a price to be agreed upon by the governing body of the city of Wilmington and the owners of the property, and said governing body is hereby authorized to pledge the credit of said city or to issue bonds or short term notes for the acquisition of said property: *Provided*, that the acquisition of said property and the creation of the debt herein provided is approved by the qualified voters of said city in the manner herein after provided. *Provided*, that the price to be paid shall be agreed upon before the election authorized in section two and due publicity made thereof.

Question of
acquiring
property.

SEC. 2. That the governing body of the city of Wilmington shall cause to be submitted to the qualified voters of said city at the next general election held in said city the question of acquiring said property for park purposes and shall cause to be printed two sets of ballots, one set of which shall bear the designation "For purchase of Greenfield Lake," and the other

Ballots.

set of ballots shall bear the designation "Against the purchase of Greenfield Lake." Said election shall be conducted as other city elections are conducted, shall be advertised in the same manner as other city elections and a vote shall be taken, returns made, ballots canvassed, and the result declared in the same manner that other city elections for the city of Wilmington are held. The expense of said election shall be paid from the general funds of the city of Wilmington. If a majority of the qualified voters of said city shall cast their ballots at said election, "For purchase of Greenfield Lake," then the governing body of the city of Wilmington shall proceed to acquire said property under any one of the following methods: (1) The governing body of the city of Wilmington may pay cash for said property out of the general funds of the city, using any funds now available, for park purposes; (2) the said council may pay part of the purchase price in cash out of the general funds or out of any other funds available for park purposes and the remainder of the purchase price may be paid in annual installments, and to this end the governing body is empowered to issue short-term notes of the city; (3) the said governing body may issue serial bonds for the purpose of raising funds to purchase said property, said bonds to mature at such dates as the governing body of the city of Wilmington may determine, not to exceed a period of five years from the date of issue; (4) the governing body of the city of Wilmington may levy such additional special tax upon the real and personal property, subject to the tax jurisdiction of said city, as may be found necessary to pay for the said property or retire any of the forms of indebtedness herein provided for and to pay the interest on said debt. Any bonds, notes, or other evidences of indebtedness created by virtue of this act shall be exempt from taxation of any kind whatsoever.

Rule of election.

Expenses.

Payment.

Bond issue.

Maturity.

Special tax.

Use of property.

Conflicting laws repealed.

SEC. 3. In the event that said property is purchased the same shall be held by the city of Wilmington for the purposes of a public park and the governing body of said city is authorized, for such park purposes, to acquire property within and without the boundaries of said municipal corporation.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 177

AN ACT TO AMEND CHAPTER 232, PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1903, AS AMENDED BY CHAPTER 219, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO THE HAMLET PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and thirty-two, Public Laws of nineteen hundred and three, be and the same is hereby amended by changing to a period the comma appearing after the word "expire," in line five of section six, as said section six is amended by chapter two hundred and nineteen, Private Laws of nineteen hundred and twenty-three, and by striking out all of said section beginning with the words "and thereafter the trustees" and ending with the words "until the next succeeding election," and inserting in lieu of the part so stricken out the following:

At the next regular election of the mayor and commissioners of the town of Hamlet the said school trustees shall be elected in accordance with the following plan:

Trustees.

One trustee, who shall be elected from the district at large, shall be elected for a term of two years; two trustees, one of whom shall be from each ward of the town, shall be elected for a term of two years; two trustees, one of whom shall be from each ward of the town, shall be elected for a term of four years; biennially thereafter, at the time of electing officers of the town of Hamlet, there shall be elected trustees to succeed those whose term of office next expires, the successors so elected to hold office for a term of four years, with the exception of that trustee who shall be elected from the district at large, who shall be elected every two years; such successors to be elected so as to continually observe the distribution of the board of trustees between the wards as herein provided for. The term of office of the members of the board of trustees shall be from July first, following the date of election until June thirtieth, two or four years later, as the case may be, or until their successors shall qualify. The trustees shall have full control of schools of said district and shall have authority to elect a chairman and a secretary and a treasurer, and to adopt a common seal and to fill any vacancies which may occur in said board until the next succeeding election.

Term of office.

Amendment.

SEC. 2. That chapter two hundred and thirty-two, Public Laws of nineteen hundred and three, be and the same is hereby

amended by adding after section six and before section seven the following section:

Sec. 6a. The treasurer of the school district shall be the custodian of all funds belonging to the district or hereafter becoming due to the district. He shall hold all funds coming into his hands for the credit of the school district, and distribute same only upon order signed by the chairman and secretary of the board of trustees of the district, and the treasurer of the town of Hamlet, now custodian of the funds of the school district, is authorized and directed to pay over to the treasurer of the school district when elected all funds now held by him or hereafter coming into his hands and belonging to the district. After the election of the treasurer of the school district all funds, including funds from the sale of bonds, taxes for payment of bonds and interest, taxes for the maintenance of the schools, and appropriations made to the Hamlet public school district by the State, and all other funds of whatsoever nature belonging to or becoming due the Hamlet public school district, shall be paid to the treasurer of the district to be held by him for the purposes for which said taxes are levied or appropriations are made.

Treasurer
custodian
of funds.

SEC. 3. This act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 178

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WALNUT COVE, NORTH CAROLINA, TO USE THE MONEY DERIVED FROM THE SALE OF STREET IMPROVEMENT BONDS FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Walnut Cove, Stokes County, North Carolina, is hereby authorized to use, for the purpose of paying for the construction of water and electric light and sewer systems for furnishing wafer and electric lights and sewerage to the town of Walnut Cove and its citizens, the thirty thousand dollars (\$30,000) now on hand in the town treasury realized from the sale of thirty thousand dollars (\$30,000) street improvement bonds, dated June first, one thousand nine hundred and twenty-four, or so much thereof as may be necessary to complete said water and electric light and sewer systems.

Commissioners
authorized to
use proceeds
of bonds.

Conflicting
laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 179

AN ACT AMENDING CHAPTER 221, PRIVATE LAWS 1923, H. B. 330, S. B. 187, RELATING TO THE APPOINTMENT OF A SCHOOL ADVISORY BOARD FOR THE CITY OF ASHEVILLE, AND ADDING THE NAMES OF MRS. E. B. SULLIVAN AND MRS. H. A. WELLS TO SAID BOARD.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter two hundred and twenty-one, Private Laws of one thousand nine hundred and twenty-three, entitled "An act providing for the appointment of a school advisory board for the city of Asheville," and House bill three hundred and thirty, Senate bill one hundred and eighty-seven, be and the same are hereby amended by adding the names of Mrs. E. B. Sullivan and Mrs. H. A. Wells between the word "Bynum" and the word "be," in line two of section one of said chapter two hundred and twenty-one, Private Laws of one thousand nine hundred and twenty-three, as amended by House bill three hundred and thirty, Senate bill one hundred and eighty-seven, session one thousand nine hundred and twenty-five.

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 180

AN ACT TO AMEND SECTION 1, CHAPTER 21, PRIVATE LAWS OF NORTH CAROLINA, EXTRA SESSION 1924, RELATING TO THE CHARTER OF THE TOWN OF NEWTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter twenty-one of the Private Laws of North Carolina, extra session of one thousand nine hundred and twenty-four, be and the same is hereby amended by inserting between the word "pin" and the word "thence," in line eight, the following: "thence due west six hundred forty-three and one-third yards to iron pin on number ten highway," and by changing the word "fifty," in line eleven of said section, to "seventy-four." Amendment.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Conflicting laws repealed.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 181

AN ACT RELATING TO BUSINESS TRIPS OF COMMISSIONERS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for a member of the board of commissioners of the city of Asheville to absent himself from a meeting or meetings of the board and from the city and make trips in the business interest of the city: *Provided*, the purpose for which said member absents himself from meetings and from the city is first reduced to writing and approved by the board in regular session and made to appear upon the minutes of said board. Business trips commissioners of Asheville.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 182

AN ACT TO AMEND CHAPTER 71 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1923, INCREASING THE SALARY OF THE PROSECUTING ATTORNEY OF THE CITY COURT OF RALEIGH FROM \$1,800 PER ANNUM TO \$2,400 PER ANNUM.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two of chapter seventy-one of the Private Laws of North Carolina, session nineteen hundred and twenty-three, be and the same is hereby amended by striking out the words "eighteen hundred," in the fifth line of said section, and inserting in lieu thereof, the words "twenty-four hundred," so that the salary of the prosecuting attorney of the city court of Raleigh shall be twenty-four hundred dollars (\$2,400) per annum.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

SEC. 3. That this act shall be in force and effect from and after June first, one thousand nine hundred twenty-five.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 183

AN ACT TO AMEND CHAPTER 52 OF THE PRIVATE ACTS OF 1903, RELATING TO COTTON WEIGHERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section four of chapter fifty-two of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the words "the sum of six cents," in line two of said section, and inserting in lieu thereof the following: "such sum as may be fixed by the board of commissioners of Anson County, not to exceed the sum of sixteen cents."

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 184

AN ACT TO INCREASE THE POLICE POWER OF THE
POLICE FORCE OF THE TOWN OF BELMONT.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the police force of the town of Belmont in Gaston County are authorized and empowered to make arrests and to perform other police duties anywhere in Belmont precinct in Gaston County.

Police power
increased.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 185

AN ACT TO INCORPORATE THE TOWN OF DEEP RUN.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Deep Run in the county of Lenoir be and the same is hereby incorporated by the name and style of "town of Deep Run," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Deep Run
incorporated.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at a stake east of the Kinston Carolina Railroad and runs south eighty-three west one thousand five hundred eighty-two feet to a stake, south of and near Mrs. Sparrow's house, thence north seven-thirty minutes east two thousand one hundred forty-five feet to a stake, thence north eighty-three east three thousand one hundred sixty-two feet to a stake, thence south ten west six hundred sixty feet to a stake, thence eighty-seven-twenty minutes west one thousand five hundred and nine feet to a stake, thence south sixteen-forty minutes west three hundred thirty feet to the beginning.

Corporate
limits.

SEC. 3. That the officers of the said corporation shall consist of a mayor and three commissioners and a constable, and such other officers as the mayor and commissioners shall elect, and the following named persons shall fill the office of mayor and commissioners, and they shall elect a constable, all of whom shall serve until the first Monday in May, one thousand nine hundred and twenty-five, and until their successors are elected and qualified: for mayor, J. J. Blizzard; for commissioners, Ben Sutton, James Hill and Furney Davenport.

Town officers.

Election.

SEC. 4. That an election shall be held in said town on the first Saturday in May, one thousand nine hundred and twenty-five, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.

Powers of town officers.

SEC. 5. That the mayor and commissioners shall form a council and may make, publish and enforce ordinances for the government of said town not inconsistent with the Constitution and laws of North Carolina.

Qualification of officers.

SEC. 6. That the officers provided for by this act shall qualify within thirty days after its ratification before a justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Conflicting laws repealed.

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 8. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 186

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO CONTRIBUTE TO THE PUBLIC LIBRARY IN SAID TOWN.

The General Assembly of North Carolina do enact:

Appropriation to public library.

SECTION 1. That the mayor and the board of commissioners of the town of Lumberton are hereby authorized and empowered in their discretion, to appropriate from the treasury of the said town a sum not exceeding seven hundred and fifty dollars (\$750) for the immediate use of a public library which has just been established in said town under the control of the woman's club and library association and which is now located in one of the graded school buildings. Said mayor and board of commissioners may in their discretion appropriate annually hereafter, beginning with the year one thousand nine hundred and twenty-six, the sum of five hundred dollars (\$500) for the use of said library.

Equal privileges.

SEC. 2. That all the people within the corporate limits of the town of Lumberton shall be entitled to equal privileges with respect to said library, under such rules and regulations as may be prescribed by the mayor and board of commissioners of the town of Lumberton; but the said mayor and board of commissioners may delegate the promulgation of said rules and regulations to the woman's club and library association.

SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 4. This act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 187

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-one of the Private Laws of one thousand nine hundred and five entitled "An act to change the corporate limits of the city of Monroe" be amended so that it shall read as follows: The corporate limits of said city of Monroe shall be as follows: Beginning at a stone on the west side of the Griffith Road, a corner of the present corporate limits, and running north forty-two degrees (42°) and six-hundredths minutes (.06') west one thousand six hundred and ninety-one and five-tenths (1691.5) feet to a stake in field, crossing the Lancaster Road; thence north sixteen degrees (16°) and fifty-six minutes (56') west two thousand three hundred ninety (2390) feet to a stake on the north side of the Waxhaw Road and west side of Welch Street; thence north twenty-seven degrees (27°) and fifteen minutes (15') east seven hundred fourteen (714) feet to a stake; thence north forty-six degrees (46°) and nineteen minutes (19') east two thousand two hundred twenty-nine and six-tenths (2229.6) feet to the center of the Carolina Central Railroad, a corner of the corporate limits of West Monroe; thence with the center of the railroad six hundred fifty-four and four-tenths (654.4) feet to the center of Bearskin Creek; thence with the center of Bearskin Creek to a corner of Benton Heights, also the old R. V. Houston corner; thence with Benton Heights line to the north side of said street leading to Benton Heights school; thence with the north side of said street south eighty-eight degrees (88°) and twelve minutes (12') west seven hundred seventy (770) feet to a stake on the north side of street; thence south sixty-six degrees (66°) east four thousand nine hundred fifty-six and three-tenths (4956.3) feet to a stake on the east side of the Morgan Mill Road, in the center of Purser Avenue; thence south fifty-six degrees (56°) and forty-five minutes (45') east twenty-eight hundred (2800) feet to a stake in the Chaingang Corporate limits changed.

Road; thence with the Chaingang Road twenty-eight hundred and fifty (2850) feet to a stake on the south side of the Wilmington-Charlotte-Asheville highway, also a corner of a lot in the Sikes subdivision; thence with the line of said lot south seventeen degrees (17°) and thirty-three minutes (33') west four hundred thirty-six (436) feet to a stake, also a corner of lot in said subdivision; thence with a line of said subdivision north seventy-seven (77) west two thousand five hundred fifty-two and eight-tenths (2552.8) feet to a stake in the old Winchester line; thence with the old Winchester line north eighty-four degrees (84°) and forty minutes (40') west ten hundred and ninety-three and eight-tenths (1093.8) feet to a stake; thence south one degree (1°) and eighteen minutes (18') east one thousand three hundred ninety-four and eight-tenths (1394.8) feet to a stake; thence south seventy-four degrees (74°) and twenty-three minutes (23') west thirty hundred and thirteen and eight-tenths (3013.8) feet to a stake on the south side of the old Wolfe Pond Road or Parker Street; thence north fifty-four degrees (54°) and two hundredths minutes (.02') west two thousand two hundred and five and six-tenths (2205.6) feet to the beginning."

SEC. 2. That all of the land embraced within the corporate limits of the city of Monroe lying north of the Carolina Central Railroad shall be ward number one; that all that portion of the city of Monroe lying south of the Carolina Central Railroad and east of Hayne Street to its intersection with the Wadesboro Road, thence north of Wadesboro Road shall be ward number two; that all that portion of the city of Monroe north of Windsor Street and South of the Carolina Central Railroad and west of Hayne Street shall be ward number three; that all that portion of the city of Monroe lying south of Windsor Street and west of Hayne Street shall be ward number four; that all that portion of the city of Monroe lying south of Windsor Street to its intersection with the Wadesboro Road, thence south of Wadesboro Road and east of Hayne Street shall be ward number five.

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 March first, one thousand nine hundred and twenty-six.

Ratified this the 9th day of March, A.D. 1925.

Ward No. 1.

Ward No. 2.

Ward No. 3.

Ward No. 4.

Ward No. 5.

Conflicting laws repealed.

CHAPTER 188

AN ACT TO AMEND THE CHARTER OF THE CITY OF THOMASVILLE, THE SAME BEING CHAPTER 301 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF 1915, AS AMENDED BY CHAPTER 10 OF THE PRIVATE LAWS OF 1917 AND CHAPTER 24 OF THE PRIVATE LAWS OF 1923.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and one of the Private Laws of the General Assembly of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "qualified," in section four thereof and before section five, the following: Amendment.

"Sec. 4a. That each and every year in which a general municipal election shall take place, the mayor shall cause a mass meeting of the qualified voters of the city to be held at least ten days prior to the election day, at which mass meeting there shall be nominated, by a majority vote, a candidate for mayor, and five candidates for councilmen, to be voted on at the municipal election; that the chairman and secretary of the said mass meeting shall certify under their hands and seals, the number of voters present at such meeting, and the names of the candidates nominated, to the city clerk, who shall cause their names to be printed on the ballots as provided in section five hereof. No person shall be eligible as a candidate for the office of mayor or councilman in said municipal election until he has been nominated, by a majority vote of the qualified voters attending the mass meeting hereinbefore provided for, or any other mass meeting of the qualified voters of the city, attended by at least fifty qualified electors, and the result of said mass meeting certified under the hands and seals of the chairman and secretary of such meeting to the city clerk prior to the Wednesday next preceding the general municipal election held on the first Monday in May: *Provided*, any qualified elector shall be eligible as a candidate for mayor or councilman who shall file with said city clerk prior to Wednesday next preceding the day of election, a petition signed by at least fifty qualified voters requesting the clerk to place said candidate's name on the ballots to be voted in said general municipal election.

"Sec. 4b. That after the filing of said certificates of petitions provided for in preceding section, the city clerk shall compile all the nominations on one ballot, arranging the names of those nominated for mayor in alphabetical order and place them under

the caption 'Vote for one for mayor'; and the names of those nominated for councilmen will be alphabetically arranged on said ballots, and placed under the caption 'Vote for five for city councilmen'."

Amendment. SEC. 2. That section five of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "result," in line nine thereof, the following: "Those receiving the highest number of votes in such election shall be declared to be elected."

Amendment. SEC. 3. That section twenty-nine of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "thereof," in line eleven, the following: "To adopt such ordinances for the regulation of traffic and use of the streets by motor vehicles, and require all motor vehicles to come to a full stop before entering streets from an intersecting street at such intersections as the city council shall determine, from the amount of traffic at such intersections, it is necessary for the protection of the life and property of the inhabitants of the city."

Amendment. SEC. 4. That section twenty-nine of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and is hereby amended by striking out the words "the same as is provided by the general laws of the State," in line two at the top of page eight hundred and seventy-one, and the following inserted in lieu thereof: "When any land or right-of-way shall be required for the purpose of opening new streets, or widening or changing those already opened or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owners or owner and the council, the same may be condemned and taken by the council at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the council and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified (personally, or by publication for five days in a newspaper published in the city) so to do, then it shall be the duty of the council to appoint a disinterested freeholder to act on the part of said owner or owners, and in making said valuation, said freeholders, after giving the owner or owners or their agents notice, or giving ten days notice in a newspaper published in the city, in case such owner cannot be found in the

city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the council under their hands and seals, which report, on being confirmed by the council and spread upon their minutes, shall have the effect of a judgment against the city of Thomasville, and shall pass the title to the city of Thomasville of the land so taken, and the land may at once be taken and used by the city for the purpose intended: *Provided*, that if either the owner or owners whose land is taken under this paragraph, or the council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: *Provided*, that such appeal shall not hinder or delay the council in opening, widening or changing such street or making such improvement: *Provided further*, that if said city and the owner or owners are unable to agree on the price of any land needed for the purposes aforesaid, or any other purpose for which the city is authorized to condemn lands, the said condemnation of said land may be made in the same manner and under the same procedure as is provided in chapter entitled 'eminent domain,' article two of the Consolidated Statutes of North Carolina."

Proviso.

SEC. 5. That section sixteen of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same hereby is amended by striking out the words, "and of Davidson County," in line thirty-one thereof.

Amendment.

SEC. 6. That section eighteen of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the words, "and of Davidson County," in line five thereof.

Amendment.

SEC. 7. That section twenty-eight of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "January," in line two, and inserting in lieu thereof the word "June"; and by striking out the word "November," in line two, and inserting in lieu thereof the word "July."

Amendment.

SEC. 8. That all laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 189

AN ACT TO MAKE THE CRIMINAL JURISDICTION OF THE MAYOR OF THE TOWN OF FARMVILLE, PITT COUNTY, CONCURRENT WITH SUCH JURISDICTION OF THE RECORDER OF THE COUNTY COURT OF PITT COUNTY.

The General Assembly of North Carolina do enact:

Jurisdictions
made concurrent.

SECTION 1. That from and after the ratification of this act the criminal jurisdiction of the mayor of the town of Farmville, Pitt County, shall be concurrent with the like jurisdiction of the recorder of the county court of Pitt County, within the corporate limits of said town of Farmville.

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 190

AN ACT TO AMEND CHAPTER 115, PRIVATE LAWS OF 1923, ENTITLED AN ACT TO AMEND THE CHARTER OF CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section two, chapter one hundred and fifteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words and figures "one thousand two hundred dollars (\$1,200)," in lines six and seven of said section, and inserting in lieu thereof the words and figures "seven hundred and fifty dollars (\$750)"; amend further by striking out the words and figures "one thousand eight hundred dollars (\$1,800)," in lines seven and eight of said section, and inserting in lieu thereof the words and figures "one thousand (\$1,000)"; amend further by striking out the words "one thousand dollars," in line eighteen of said section, and inserting in lieu thereof the words "six hundred dollars."

Amendment.

SEC. 2. That section three, chapter one hundred and fifteen, Private Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out the words "two hundred," in line six, and inserting in lieu thereof the words "one hundred," and by striking out, in lines seven, eight

and nine in said section, the words "and the members of the finance and street committees shall receive an additional compensation of one hundred dollars." Amend further by striking out the words and figures "five hundred dollars (\$500)," in lines eleven and twelve of said section, and inserting in lieu thereof the words and figures "three hundred dollars (\$300)."

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 191

AN ACT TO AMEND CHAPTER 30 OF THE PRIVATE LAWS OF 1919 RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty of the Private Laws of one thousand nine hundred and nineteen be and the same is hereby amended by striking out, in line five of section one, the word "annually" and by inserting in lieu thereof the word "biennially," and by striking out, in line nine of said section one, the word "one" and by inserting in lieu thereof the word "two."

Amendment.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 192

AN ACT TO AUTHORIZE THE TOWN OF TROY, MONTGOMERY COUNTY, TO MOVE CERTAIN DEAD BODIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the town of Troy in Montgomery County be and it is hereby authorized and empowered to remove and transfer all the dead bodies in a certain graveyard situate in said town, near the houses of T. N. Harris and Lee Fritz.

Removal dead bodies.

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 force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 193

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Preamble.

SECTION 1. That whereas it is desirable to revise and consolidate the charter of the town of Chapel Hill, all the provisions of chapter two hundred and eighty-three of the Private Laws of the year one thousand eight hundred and ninety-nine; chapter one hundred and eighty of the Private Laws of the year one thousand nine hundred and eleven, chapter four hundred and sixty-seven of the Private Laws of the year one thousand nine hundred and thirteen, and chapter one hundred and five of the Private Laws of the year one thousand nine hundred and nineteen shall be and continue to constitute the charter of the town of Chapel Hill as reenacted in this act except as the same may be changed or amended herein.

The town of
Chapel Hill.

SEC. 2. That the inhabitants of the town of Chapel Hill shall be and continue as they have been a body politic and corporate, and henceforth the corporation shall bear the name and style of the town of Chapel Hill, and under such name and style shall have the right to sue and be sued, contract and be contracted with, and is hereby invested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value two hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate
boundaries.

SEC. 3. That the corporation boundaries of the town of Chapel Hill shall be as follows: Beginning at a stone post six hundred yards northwest of the intersection of the center line of Franklin Street and the west boundary of Merritt Street, in a line at right angles to the main part of Franklin Street; thence two thousand six hundred and twenty-two (2622) yards east-northeast parallel to the course of the main part of Franklin

Street to marked stone and pointers; thence southeast at right angles to the course of the main part of Franklin Street fifteen hundred and forty-nine (1549) yards to marked stone and pointers; thence two thousand six hundred and twenty-two (2622) yards west-southwest parallel to the course of the main part of Franklin Street to marked stone and pointers; thence north-west fifteen hundred and forty-nine (1549) yards at right angles to the course of the main part of Franklin Street to the beginning, containing eight hundred and forty-one acres, more or less, all courses to be laid down on a copy of the map of Chapel Hill made in 1859, and on any subsequent map of Chapel Hill that may be made by order of the board of aldermen.

SEC. 4. That the present mayor of Chapel Hill shall hold office until his successor is elected and qualified and the present members of the board of commissioners shall be and constitute the board of aldermen of the town of Chapel Hill until the expiration of their term of office, and as such shall have the same authority and power now conferred upon them by law and such additional authority as may be conferred upon the board of aldermen by the town of Chapel Hill by this act.

Town officers.

SEC. 5. That no person shall be entitled to vote for mayor or alderman, unless he shall be an elector of the State of North Carolina and shall have resided next preceding the day of election ninety days within the corporation.

Vote for mayor, etc.

SEC. 6. That no person shall be eligible as mayor or alderman, unless he shall be a qualified voter as prescribed in the next preceding section of this charter.

Eligibility.

SEC. 7. That a registration shall be had of the voters of the town, and that a copy of the registration shall be furnished the pollholders, and no person shall be allowed to vote unless his name shall be found thereon; the board of aldermen may order a new registration or revision of the book, by giving thirty days' notice of each new registration or revision before the opening of the registration book.

New registration.

SEC. 8. That the registration shall be closed ten days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered [after] said books shall be closed, to register therein all persons who not then being of the age of twenty-one years, but otherwise qualified to register, may arrive at the age of twenty-one years on or before the day of election.

Closing of registration books.

SEC. 9. That the mayor shall, thirty days before the first Tuesday in May in each year, appoint a suitable person to act as registrar within the corporation of said town, and the

Registrar.

Notice.

registration books shall be open fifteen days; the chief of police shall at once post a notice at the postoffice door of his appointment, or advertise same in the newspapers published in the town, and shall designate the place where he will keep the registration books, and the time after which the books will be closed, and when and for what purpose the election will be held.

Books open for inspection.

SEC. 10. That within twenty-four hours after the close of the registration for each election, the registration books shall be deposited in the office of the mayor of the town, and be opened for the inspection of the citizens.

Challenge.

SEC. 11. It shall be lawful to challenge the right of any person to vote, either on the day of election when he offers to vote, or on the day of registration when he offers to register, and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified, he shall be excluded from registration, or, if he has been registered, from voting.

Election of mayor and aldermen.

SEC. 12. That on the first Tuesday after the first Monday in May, nineteen hundred and twenty-five, the qualified registered voters of the town of Chapel Hill shall elect a mayor and six aldermen. Only qualified voters of said town shall be eligible to be elected mayor or aldermen. The mayor shall serve during a term of two years. The three candidates for aldermen receiving the highest number of votes shall serve for a term of four years; the three candidates for aldermen receiving the next highest number of votes shall serve for a term of two years. Biennially thereafter there shall be elected by the qualified registered voters of the town of Chapel Hill a mayor to serve for two years, and three aldermen to serve for four years. The said three aldermen shall fill the places of the three aldermen whose terms are expired.

Appointment of inspectors.

SEC. 13. That for the purpose of electing said officers, the aldermen, and in cases of failure by the aldermen, the mayor shall, at least twenty days before the election, appoint two inspectors, who shall be qualified voters, and the inspectors shall give ten days notice thereof by public advertisement, and the inspectors before they proceed to act shall be sworn by the mayor or other persons empowered to administer oaths to conduct the election fairly and impartially and according to law, and in case of the absence of any inspector his place shall forthwith be supplied by the mayor, and in his absence or failure to act, by the other members of the election board.

Judges of the polls.

SEC. 14. That on the day of election the registrar and the inspectors shall give due attendance at the time and place, shall

be judges of the polls; receive the votes and conduct the election in like manner and during the same hours of the day as election for members of the general assembly.

SEC. 15. The name of any candidate for mayor or alderman of the town of Chapel Hill shall be printed upon the official ballot, provided there is filed with the town clerk, not less than five days previous to the holding of said election, the name of each candidate for a place upon said ballot. Upon the expiration of the time for filing said notice of candidacy the town clerk shall cause to be printed a sufficient number of said ballots. However, any person nominated for a place upon the ballot may file with the town clerk a written declination to be a candidate in said election at any time before the ballots are printed, and in case such a written declination is filed with the town clerk the name of the person so declining to be a candidate in the said election shall not be printed upon the ballots: *Provided*, that nothing herein shall prevent any qualified registered voter from being a candidate in any municipal election, whether notice of his candidacy be filed or not, provided he shall at his own expense prepare his own ballots. There shall be printed upon the official ballots the names of the candidates for mayor arranged so that the name of each candidate shall appear at the top of the list on an equal number of ballots, and immediately above these names shall appear the words "Vote for one." There shall be printed upon the official ballots the names of the candidates for aldermen so arranged that the name of each candidate shall appear at the top of the list in an equal number of ballots, and in the election of May, nineteen hundred and twenty-five, immediately above such names shall appear the words "Vote for six," and in subsequent elections, immediately above such names shall appear the words "Vote for three." The ballots shall be printed upon plain, substantial, white paper, and shall be headed "Candidates for the office of mayor of the town of Chapel Hill," and "Candidates for the office of alderman of the town of Chapel Hill," respectively. At the bottom of said ballot shall be printed the words, "Place a cross (X) mark in the square opposite the names of the persons you favor as candidates for the respective positions": *Provided further*, that nothing herein shall be construed as preventing any elector of the said town from marking out any name on said ballots and substituting therein the name of any other person he may favor for the respective position.

Ballots.

SEC. 16. That at the close of the election the registrar and inspectors shall proceed to count the ballots and declare the

Count of
ballots.

results thereof; and such person voted for as mayor having received the highest number of votes shall be declared duly elected mayor for the ensuing term of one year; and of those persons voted for as aldermen the six receiving the highest number of votes shall be declared duly elected aldermen of the town for the ensuing term of four and two years as provided for in section fifteen of this act; and such mayor and aldermen shall be notified of their said election by the inspectors on the day succeeding their election.

Tie in vote
for mayor.

SEC. 17. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number the aldermen-elect shall proceed within five days after their qualification to select a mayor of such persons; and if among the persons voted for as aldermen there shall be a like tie, the remaining aldermen within five days after their qualification shall select of such the person or persons to be aldermen.

Poll list.

SEC. 18. That the inspectors shall certify and subscribe one poll list and, together with the registration book, deliver them to the mayor, who shall keep them among the archives of the town. As soon as the result of the election is determined a certificate thereof shall be made under the hands of the registrar and judges, setting forth in writing the number of votes each candidate received, which certificate they shall deliver to the mayor on the day following the election to be recorded in the town journal.

SEC. 19. That the mayor, immediately after his election and before entering on the duties of his office, shall take before some person empowered to administer oaths the following oath: "I, (A.B.) do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill and judgment all the duties of the office of mayor of the town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the town; and in the discharge of my duties I will do equal justice in all cases whatsoever."

Oath of office.

SEC. 20. That each alderman, before entering on the duties of the office, shall take before the mayor or some person empowered to administer oaths, an oath that he will truly and impartially perform the duties of alderman for the town, according to the best of his skill, ability and judgment.

Term of office.

SEC. 21. That the mayor and aldermen shall hold their offices until their respective successors are elected and qualified,

SEC. 22. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after the election and qualification, the aldermen shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasion, and in like manner, the aldermen shall choose other aldermen to supply the place of such as shall refuse to act, and fill all vacancies which may occur; and such persons only shall be chosen as are and hereafter declared to be eligible.

Vacancy.

SEC. 23. That any person elected mayor or alderman, who shall refuse to be qualified, and act as such, shall forfeit and pay for the equal use of the town, and for him who sues therefor, twenty-five dollars.

Forfeit.

SEC. 24. That if the aldermen shall fail to give the notice of election, or to hold and declare the same in the manner prescribed, such of them as shall be in default shall forfeit and pay for the equal use of the town, and for him who sues therefor, twenty-five dollars.

Failure to give notice of election.

SEC. 25. That the town shall not lose any of its corporate rights and privileges by a failure to elect officers on the first Monday after the first Tuesday in May of any year when an election ought regularly to be held.

Not to lose corporate rights.

SEC. 26. That in case of failure to elect municipal officers on the first Tuesday after the first Monday in May of any year when an election ought regularly to be held, the electors residing within the corporate limits may, after ten days notice, signed by any thirty-five of said electors, and posted up at three places or advertised in the newspapers published within the town, proceed to hold an election for municipal officers, in the way and manner provided for in chapter sixty-two of the Code entitled "towns and cities."

In case of failure to elect municipal officers by certain date.

SEC. 27. That the mayor of the town of Chapel Hill, while acting as such is hereby constituted a special court, with all the authority, jurisdiction and powers in criminal offenses occurring within the corporate limits of the said town, and within one mile thereof, that are now or hereafter may be given by law to justices of the peace; and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace; and in all cases there shall be a right of appeal to the Superior Court of Orange County, and in all cases where a defendant shall be adjudged to be imprisoned by the said mayor it shall be competent for said court to sentence the de-

Special court.

Proceedings.

fendant to imprisonment in county jail for a term not exceeding thirty days, and to adjudge also that the defendant work during the period of his confinement on the public streets or other public works of said town of Chapel Hill or on the public roads. The said special court shall have the power, jurisdiction and authority of a justice of the peace to hear and determine all causes of action in criminal cases, to recover fines and penalties for a violation of the ordinances of the town of Chapel Hill.

Precepts
of mayor.

SEC. 28. That the mayor may issue his precepts to the police officers of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Minute of
precepts to
be kept by
mayor.

SEC. 29. That the mayor shall keep a faithful minute of the precepts issued by him and all his judicial proceedings. The judgment rendered by him shall have all the force, virtue, and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the county of Orange and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Orange.

Office of
mayor.

SEC. 30. That the mayor shall keep his office in some convenient part of the town. He shall perform such duties as shall from time to time be prescribed. That the mayor shall receive as compensation for his services such salary as the aldermen may fix, payable out of the town treasury in such sums and at such periods as the aldermen may prescribe, and for his services in the performance of magisterial duties in the mayor's court, under the provisions of this act, he shall be entitled to charge such fees as justices of the peace and clerks of the Superior Court are entitled to receive for the performance of like duty, to be taxed on the paper as parts of the costs in each case, and paid by the State, county or person usually charged with the costs in like cases in courts of justices of the peace or the Superior Court, as the case may be, and in no event by the town, said charges are to be paid to the town treasurer.

Meetings.

SEC. 31. That the mayor when present shall preside at all meetings of the board of aldermen; and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case. That in the absence of the mayor from the court or in case of his inability to perform the duties of his office on account of sickness or any other cause, it shall be the duty of the board of aldermen to designate one of their number to hold pro tempore the mayor's court of

said town and to perform the duties of the office, and the said mayor pro tempore is hereby invested with all the powers and authority conferred upon the mayor by the charter of said town to try and determine all actions arising within the jurisdiction of said mayor.

SEC. 32. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the board of aldermen may also be held on the call of the mayor, or a majority of the aldermen; and every such meeting when called by the mayor, or all of the aldermen, and when called by a majority of the adermen, such as shall not join in the call, shall be notified in writing.

Aldermen to form a board.

SEC. 33. That if any member shall fail to attend a general meeting of the board of aldermen or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of five dollars.

Failure to attend meeting.

SEC. 34. That the aldermen when convened shall have the power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and be consistent with the laws of the land.

Power of aldermen.

SEC. 35. That among the powers hereby conferred on the board of aldermen, they may provide water and lights, shall provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of the Sabbath, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town (from contagious or infectious diseases), appoint a chief of police and additional policemen to execute such precepts as the mayor and other persons may lawfully issue to them to preserve the peace and order and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary from time to time.

Power of aldermen.

SEC. 36. That the board of aldermen shall, at their first meeting after election or as soon thereafter as possible, appoint a clerk, a treasurer, a chief of police and a tax collector who shall respectively hold their offices during the pleasure of the

Appointment of clerk, etc.

aldermen, subject to be removed at any time, however, and others appointed in their stead, for misconduct or neglect of the duties of their said offices. The board of aldermen shall have power to provide, by suitable ordinances, for the establishment, organization, equipment and government of a fire and police department, and a board of health; and at any regular meeting the board may elect a chief of the fire department, a chief of police, and one or more policemen, who shall hold office during good behavior and until removed for causes satisfactory to the board of aldermen. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond with justified securities residing within the limits of the town of Chapel Hill, payable to the town of Chapel Hill in such sum as the aldermen shall determine, conditioned for the faithful performance of the duties of said office: *Provided*, that the bonds of clerk and treasurer, and of the chief of police and tax collector shall not be less than one thousand dollars respectively. The board of aldermen may appoint a city manager, prescribe his duties, fix his term of office, rate of compensation, and delegate to him such authority as it may deem advisable for the proper execution of his duties.

Combination
of offices.

SEC. 37. That the board may combine any of the offices above enumerated and invoke the duties upon one or more persons, the offices nevertheless to remain the same.

Salary of clerk.

SEC. 38. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver to his successor, and generally to perform such other duties as may be prescribed by the aldermen. That every citizen shall be allowed to inspect the journals and papers of the board of aldermen, in the presence of the clerk at all reasonable times.

Salary of
treasurer.

SEC. 40. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any money or securities belonging to the town, which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office, he shall deliver to his suc-

cessor all the moneys, securities and properties entrusted him for safekeeping or otherwise, and during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as town treasurer.

SEC. 41. That the treasurer shall, under the direction of the board of aldermen, prepare and publish annually a statement of the financial condition of the town and a statement of receipts and disbursements for the previous year. The account books of the town shall be kept in such manner as prescribed by the board of aldermen. The board of aldermen shall have the power to require such audits of the accounts of the town officials as it may deem advisable.

Statement
of treasurer.

SEC. 42. That all orders drawn on the treasurer shall be signed by the mayor and such other as may be designated by the aldermen, and also the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the sources whence are derived the moneys received by him.

Orders to be
signed by mayor.

SEC. 43. That it shall be the duty of the chief of police to see that the laws, ordinances and orders of the aldermen are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and township constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriff and constables in the county have. The chief of police and assistant policemen shall have the power to rearrest, upon the same warrant, a defendant or party who has been convicted and released on the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape.

Duty chief
of police.

SEC. 44. That the chief of police and assistant policemen shall have the same powers and be bound by the same rules in this respect as constables in the county of Orange, to apprehend all offenders against the State within the limits of the town, and to carry them before the mayor or some justice of the peace; for such duty he shall have such fees as may be allowed by the board of aldermen, not to exceed the fees allowed to constables in the county for like duties, to be paid by the party offending, if found guilty.

Powers and
duties of
policemen.

SEC. 45. The town officers, policemen or watchmen arresting any person violating any ordinance of said town, may confine the same in the town prison. Such person can be brought before the mayor or other court, having jurisdiction, for trial;

Violation of
town
ordinances.

but said person may give bail, in the same manner as bail is given to sheriffs for his or their appearance before the mayor or other court.

Additional
policemen.

SEC. 46. In times of exigency, the mayor may appoint, temporarily, additional policemen for such time as may appear necessary, not exceeding one week, who shall take the same oath, and be subject to the same control and entitled to the same fees as the regular policemen.

Misconduct.

SEC. 47. That the mayor at any time upon charges preferred or upon finding the said chief of police or any members of said police force guilty of misconduct have power to suspend such members from service until the board of aldermen shall convene and take action in the matter; and upon hearing the proofs in the case the board may discharge or restore any such members, the pay of such members so suspended shall cease from the time of suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal, and the mayor may suspend the chief or any member of the policing force if found drunk while on duty.

Police to wear
badges.

SEC. 48. That the board of aldermen shall require the chief of police and other policemen to wear badges and may require them to be so uniformed as to be readily recognized by the public as peace officers. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the town and secure the inhabitants from personal violence, and their property from loss or injury.

Patrol for town.

SEC. 49. That the aldermen may provide a patrol or watch for the town and describe the duties and powers of the several officers, members and classes thereof, and shall pay such patrol or watch, or may class the inhabitants into such patrol or watch.

Breach of bond.

SEC. 50. That for any breach of his official bond by the town clerk, chief of police, tax collector, or any other officer who may be required to give an official bond, he shall be liable in action on the same, in the name of the town, at the suit of the town, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Collection
of taxes.

SEC. 51. In order to raise funds for the current expenses of the town, and thereafter for the improvement of same, and the payment of interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the said board of aldermen shall at their first meeting in May, or as soon thereafter as practicable in every year, lay and provide

for the collection of the following taxes: A (1) On real and personal property within the limits of the said town, and all other subjects taxable by the General Assembly of the State as specified and valued under the provisions of law, an ad valorem tax not exceeding the limit fixed by law on every one hundred dollars of such valuation of property for taxation for State and county purposes.

A (2) On all persons residing in said town on the first day of May in every year, subject to poll tax under the laws of the State, a poll tax not exceeding the limit fixed by law.

B (1) In addition to subjects listed for taxation, the board of aldermen is hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses and other subjects of taxation, not inconsistent with the laws and Constitution of the State of North Carolina. The board of aldermen shall have the power to graduate any of the license taxes on trades, professions, franchises, or any subject of taxation by dividing the same into classes, according to size, patronage or income: *Provided*, the said taxes must be uniform for all of any class. Any person carrying on or practicing any franchise, business, profession, or trade of any kind in said town upon which a license tax has been levied by the said board of aldermen without having first obtained a license therefor shall be guilty of a misdemeanor.

B (2) The board of aldermen may regulate itinerant salesmen in such manner as it may deem advisable.

Regulation
itinerant
salesmen.

B (3) The board of aldermen may regulate and license plumbers, those engaged in the construction of buildings of any nature and those engaged in the electrical wiring of buildings for light, power and heat, and before issuing a license may require the applicant to be examined and to give bond in such amount and with such securities as it may approve; and said board of aldermen, may, for incompetency on the part of such licensee or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder; and no person, firm or corporation shall do any kind of plumbing, house building or electrical wiring of buildings without first having obtained a license from the board of aldermen or from some official of the town empowered to issue such licenses.

Examination of
applicant.

SEC. 52. That the citizens of the town of Chapel Hill, and others liable to be taxed on account of any of the foregoing subjects, shall, during the time for listing their State and county taxes, render to such persons as may be designated by the aldermen of the town, on oath, a list of their property

List of
property.

and subjects for which they may be liable to be taxed; and any person who shall fail to render such list within the time allowed by law, before the first day of July, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of said town or any justice of the peace, shall be fined not more than twenty dollars or imprisoned not more than ten days; and it shall be the duty of the tax collector of said town to prosecute offenders against this section: *Provided*, that in the discretion of the aldermen the tax list may be directly from the tax abstracts filed each year with the county limits of the town of Chapel Hill, and that the board shall have the authority to revise, correct or amend the assessments taken from said abstracts.

Taxes.

SEC. 53. That on or before the first day of August of each year, the board of aldermen shall proceed to lay the taxes on such subjects of taxation as are allowed by law, and shall, on or before the first day of October of each year, place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of May next ensuing, and shall pay the moneys, as they are collected, to the treasurer, and the collector for his compensation shall receive such pay as the aldermen shall allow. That all taxes paid before the first day of December shall be subject to a discount of one per cent. That to all remaining unpaid taxes the first day of January and paid before the first day of February shall be added a penalty of one per cent. That to all taxes remaining unpaid the first day of February and paid before the first day of March shall be added a penalty of two per cent. That to all taxes remaining unpaid the first day of March and paid before the first day of April shall be added a penalty of three per cent. That to all taxes remaining unpaid the first day of April and paid before the first day of May shall be added a penalty of four per cent.

Collection of taxes.

Failure to pay taxes.

SEC. 54. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or at three places if the property be personalty, and of twenty days if the property be realty. Taxes and fees for sewer connections and for sanitary services are hereby declared a lien against the property served, and the tax collector shall have the

Lien.

power to collect the same by distress and sale, as provided herein for the collection of property taxes.

SEC. 55. That when the tax due on any lot or other land, which is hereby declared to be a lien on the same, shall remain unpaid on the first day of May, and there is no other visible estate, but such lot or lands of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold upon the premises by the collector, after advertising for twenty days in some newspaper published in the town, or in three public places, when the collector shall divide the land into as many as convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to said town in fee.

Unpaid taxes.

SEC. 56. That the collector shall return an account of his proceeding to the aldermen, specifying the portions into which the land has been divided and the purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the aldermen, and if there shall be a surplus after paying said taxes and expenses of the sale, the same shall be paid into the town treasury, subject to the demand of the owner.

Report of collector to aldermen.

SEC. 57. That the owners of any land sold under the provisions of this charter, his heirs, executors and administrators, or any other person acting for them, may redeem the same within one year after the sale, by paying to the purchaser the sums paid by him, and thirty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Redeem land.

SEC. 58. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recital of such conveyance of land sold for taxes due the town, that the taxes were due, or of any other matter required to be true or done, before the sale might be made, shall be prima facie evidence that the same was true and due.

Sale of land.

SEC. 59. That the real estate of infants or persons non compos mentis shall not be sold for taxes, and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made according to section three thousand six hundred and ninety-one of the Code.

Real estate of infants.

Moneys arising
from taxes, etc.

SEC. 60. That all the moneys arising from taxes, donations, or other sources, shall be paid to the treasurer, and no appropriation thereof shall be paid but by the board constituted of a majority of aldermen.

Right-of-way.

SEC. 61. That when any land or right-of-way shall be required by said town of Chapel Hill for the purpose of operating new streets, alleys or sidewalks, or altering existing streets, alleys or sidewalks, or for other objects allowed by this charter, and for the want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town, three of whom shall be chosen by the aldermen, and two by the landowner, and in making said valuation, said freeholders, or a majority of them, after being duly sworn by the mayor or a justice of peace for the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening or altering of such street, alley or sidewalk or other improvements, and state the value and amount of each, and the excess, if any, of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way; and if such advantages be considered equal to or greater than the damages inflicted, the jury shall so declare: *Provided, nevertheless*, that if any person over whose land the said street, alley or sidewalk may pass, or improvement to be erected, or the aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Orange County to be held thereafter, under the same rules, regulations and restrictions as now govern appeals from judgment of justices of the peace, and the said freeholders, or a majority of them, shall return to the court to which the appeal is taken, their valuation with the proceedings thereon, and the land so valued by the freeholders shall vest in the town so long as the valuation may be paid or lodged in the hands of the clerk of the Superior Court in case of its refusal by the owner of the land; *Provided, however*, that such an appeal shall not hinder or delay the aldermen opening such streets, alleys or sidewalks or erecting such improvements; and *provided further*, that in case of discontinuance of the use of the land and it reverts to the owner, the town shall have the right to recover any improvements under its authority erected.

Proviso.

Public streets.

SEC. 62. That all public roads lying within the corporate limits of said town, and all streets, as now constituted, constructed and used, are hereby declared made and construed public streets of said town.

SEC. 63. That the aldermen shall have the exclusive power to open, close, alter, or change the streets, alleys and ways of said town, and also their grade, and the power to have made a map or plot showing the present lay of the streets in said town, and such other streets, alleys and ways, etc., as they in their judgment shall deem expedient and best for the future development of said town, which map or plot when so made, shall be the scheme, grade and rule of said streets and alleys in said town, and no person shall be allowed to open, lay out or establish any street, alley or way otherwise than in accordance with said map or plot: *Provided*, said commissioners may cause to be made such alterations in said map or plot as in future may seem expedient and best. Any person violating the provisions of this section shall be guilty of a misdemeanor and fined twenty-five dollars.

Power to change, etc., streets.

SEC. 64. That the aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and ascertain the location of those already provided and lay out and open others. They may also establish and regulate the public grounds and shall care for and protect the shade trees of the town.

Repair of streets.

SEC. 65. That if any owner or lessee of land in the town of Chapel Hill, on being notified to repair his sidewalks, shall fail or neglect to repair as ordered, he shall be deemed guilty of a misdemeanor, and fined not more than five dollars for each day's neglect to make such repairs, a notice of ten days by any officer of the town being sufficient in any event.

Failure to repair sidewalks.

SEC. 66. That where there are no sidewalks in convenient walking order along any lot in said town, the owner may be required to pay such portion of the expense of making the sidewalk along said lot as three assessors, unconnected with the owner, and the disinterested, to be appointed by the aldermen, may estimate that the said property is benefited by the improvement; such expense to be a lien on the property, enforceable as liens for repairing sidewalks under existing laws: *Provided*, that there shall be right of appeal by either party to the Superior Court.

Making new sidewalks.

SEC. 67. That before making such appointment the assessors shall appoint a day when they shall hear parties interested on the subject, giving at least three days notice of the time and place of their sitting. From their decision the town or lot owners may appeal to the Superior Court of Orange County, but the aldermen may, notwithstanding an appeal under this or any other act, proceed with the work of opening and grading the new sidewalk.

Notice of hearing.

SEC. 68. All persons owning or occupying buildings with eaves, porches or porticos, projecting or extending over the sidewalks or streets in the town, shall be required to place proper

Drains and gutters.

drains and gutters, so as to prevent water from falling on sidewalks or streets, and shall be required to place underground drains for carrying off water from said gutters, and no person shall be allowed to place an awning or shed over the streets or sidewalks so as to allow water to drip on sidewalks. Persons offending against this section shall be fined fifty dollars for every day said buildings are permitted to remain without gutters, and awnings or sheds are permitted to drip water on sidewalks after being notified by police to alter the same.

Removal of
nuisances.

SEC. 69. That the aldermen may require and compel the abatement and removal of all nuisances within the town, and at the expense of the person causing the same, or to the owner or tenant of the ground whereon the same may be, and may also prevent the establishment within the town, and may regulate the same, if allowed to be established, any slaughterhouse or place or exercise within the town of any offensive or unhealthy trade, business or employment.

Power to
prevent.

SEC. 70. That the aldermen shall have the power to prevent dogs, horses, cattle, and all other brutes from running at large in the town.

Power to
prevent.

SEC. 71. That they may prohibit and prevent by penalties the riding or driving of horses or other animals at a speed greater than six miles an hour within the town; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town, and govern the sale thereof.

Fire companies.

SEC. 72. That they may provide for the establishment or organization, equipment and government of fire companies; and in all cases of fire, a majority of such of the aldermen or the mayor and two of the aldermen, as shall be present, may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Town fire
limits.

SEC. 73. That they may establish in the said town fire limits with such boundaries as they may determine, within which they may prescribe by general rules or specific permits, the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. They may also provide for the inspection of all buildings now erected or hereafter to be erected and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation, and they may notify the owner or owners to remove or repair such as are condemned within thirty days, and if the owner or owners shall refuse to remove or repair the same, or shall neglect to do so, for the space of thirty days, the aldermen shall have the power to remove the same, which expense shall be a lien on the lot, and

the owner or owners shall be liable for all such loss as may be incurred by the aldermen, and the aldermen shall not be liable for damages.

SEC. 74. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall have power to purchase, where they deem proper, land adjoining any cemetery for its enlargement or for the establishment of one or more additional cemeteries at some convenient place in or near the said town; they shall also have the power to forbid any and all interments of dead bodies within the limits of said town or any part thereof, wherever they shall deem it expedient, and to pass ordinances for the protection of the cemeteries; and may appoint and pay a keeper and compel the keeping and returning of a bill of mortality.

Regulation
of cemeteries.

SEC. 75. That the board of aldermen may take such measures as they may deem advisable to prevent the entrance into the town, or the spreading therein of any contagious or infectious diseases, may stop, detain and examine for that purpose all persons coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or at some place near same; may cause any person within the town, suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there is reasonable cause to apprehend that they may pass into such a state as to generate and propagate diseases, may abate by reasonable means all nuisances which may be injurious to the public health.

Prevention of
disease.

SEC. 76. That the board of aldermen shall not have the power to impose for any offense a larger penalty than fifty dollars, unless the case be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for any other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeal from the judgment of a justice of the peace.

Amount of
penalty limited.

SEC. 77. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of the town, and the person or persons against whom the same is adjudged, refuses or is unable to pay such judgment, it may and shall be lawful for the mayor, before whom such judgment is entered, to order and require such person or persons so convicted to work on the streets or other public work of the town or on the public roads of the county,

Failure to
pay judgment.

until, at a fair rate of wages such as prevail in the community, such person or persons shall have worked out the full amount of the judgment and costs of prosecution.

Sale of real estate, etc.

SEC. 78. That the mayor and the majority of the aldermen shall have the power at all times to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal belonging to the town and apply the proceeds as they may deem advisable. The mayor is authorized to make title to any property sold under this section.

Mayor jurisdiction in criminal cases.

SEC. 79. That the mayor shall have, and it is his duty to exercise all the jurisdiction, powers and duties given to justices of the peace in criminal actions as prescribed by law: *Provided*, that the mayor shall not take jurisdiction of any offense committed within more than one mile beyond the limits of the town.

No right remove cases.

SEC. 80. That no person shall have the right in any proceeding before the mayor to remove the same to any other inferior court for trial, as is provided for the removal of cases from one justice of the peace to another; but in all cases the person or persons shall have the right of appeal.

Violation town ordinance.

SEC. 81. That any person or persons violating any ordinance of the town whether fines be specifically prescribed or not shall be deemed guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Town debts.

SEC. 82. That debts contracted by the town in pursuance of authority vested in it shall not be levied out of any of the property belonging to the town and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be subject to pay said debts according to the course of the law in other cases.

Failure to transfer property.

SEC. 83. That the mayor and aldermen, tax collector and all other officers of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys or other effects of the town shall be deemed guilty of a misdemeanor, and upon conviction before the Superior Court of Orange County, shall be imprisoned for not more than two years and fined not exceeding five hundred dollars at the discretion of the court.

Tax lists subject to control.

SEC. 84. All tax lists which have been or may hereafter be placed in the hands of the tax collector, shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection and correction, and if the tax collector fails or refuses to surrender his list upon such demands, he shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties imposed by the preceding section.

SEC. 85. That the tax collector, whose election is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the fines and penalties for failures or neglect of duty by this act imposed. He shall be charged with the sums appearing by the tax lists as due for town taxes. He shall be credited in settlement as sheriffs are credited, with amounts in suit by appeal, all poll taxes and taxes on personal property certified by the clerk of the board of aldermen of the town, by order of the board of aldermen, to be insolvent and uncollectible, an itemized list of said amounts to be spread upon the minutes of the journal. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days, under penalty of ten per cent per month to the town upon all sums so unlawfully retained. The board of aldermen, may require such audits of the books of the tax collector as they may deem advisable, either by engaging the services of an outside auditor or by appointing two members of the board to assist in this work. In case the tax collector of the town shall fail, neglect or refuse to account with the town treasurer, as herein required, or to pay what may be rightfully found due on such accounts within fifteen days of the time of such audit, he shall forfeit and pay for the use of the said town a penalty of five hundred dollars. It shall be the duty of the mayor, upon neglect, failure or refusal of said tax collector to account as aforesaid, to cause an action to be brought in the Superior Court of the county of Orange on the bond of said tax collector against him and his sureties to recover the amount owing by him and the penalty aforesaid; if the tax collector shall fraudulently and corruptly fail to account as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine, in the discretion of the court, or be imprisoned not less than three months nor more than twelve months. If any tax collector shall die during the time appointed for collecting taxes, then his sureties shall have all the power and means for collecting taxes from the tax payers the same as the tax collector would have had, and shall be subject to all the remedies for collection and settlement of taxes on their bonds, or otherwise, as might have been had against the tax collector if he had lived. The tax collector (and in case of his death, his sureties) shall have six months, and no longer, from the day prescribed for his settlement of town taxes, as aforesaid, to finish the collection of all taxes, but the extension of time for collection shall not extend his time of settlement of taxes as aforesaid. Said tax collector before receiving the tax list from the town clerk shall give a bond as prescribed in such amount as the board of aldermen shall deter-

Tax collector
vested with
power.

mine, the amount of said bond not to be less than one thousand dollars nor more than double the amount of taxes for the preceding year. For his services the said tax collector shall receive such compensation as the board of aldermen may determine, not to exceed ten per centum of the taxes collected.

Landowners to
repair streets.

SEC. 86. That very owner of a lot, which shall front any street on which a sidewalk has been established, shall improve, curb, or repair, or pave in such manner as the board of aldermen may direct, such sidewalk as far as it may extend along such lot, the expense of the same to be divided equally between the town and the owner of such lot, and on failure of said owner to do so within twenty days after notice by the chief of police to said owner or lessee, or if he be a nonresident of the county of Orange, to his agent, or if such nonresident have no agent in said county, or if personal notice cannot be served upon such owner, lessee or agent, then after publication of said notice by the chief of police for thirty days in some newspaper published in the said town, calling on such owner to make such repairs, the aldermen may cause the same to be repaired either with brick, stone, asphalt, cement or gravel, at their discretion, and the expense shall be divided equally between such owner and the town, said repairs to be done under the direction of the street committee. Said one-half of the expense of such repairs shall be a lien upon the said lot and bear interest from the date of the completion of the said repairs, and if the same is not paid within the time prescribed by the board of aldermen, such lot may be sold to pay said expenses and costs, under the same rules and restrictions, rights of redemption and serving as are prescribed in this act for the sale of land for unpaid taxes.

Election town
attorney.

SEC. 87. That the board of aldermen of said town may, at their first regular meeting in May, or at any time during the year, elect a town attorney, prescribe his duties, fix his term of office and rate of compensation. They may employ detectives and offer rewards for the capture and conviction of criminals, and exercise like powers in the premises in order to bring offenders against the laws of the State and town ordinances, when the offense is committed in the town limits, to justice, and to use any funds belonging to the town not otherwise appropriated to carry out this purpose.

Land granted.

SEC. 88. That in the absence of any contract or contracts with said town in relation to the land used or occupied by it for the purpose of streets, sidewalks, alleys or other public works, signed by the owner thereof or his agent, it shall be presumed that said land has been granted to said town by the owner or owners thereof; and said town shall have good right and title thereto, and shall have, hold and enjoy the same as long as

the same shall be used for the purposes of said town and no longer, unless the owner or owners of said land, at the time of the occupation of said land as aforesaid, or those claiming under them, shall apply for an assessment of said land as provided for in the charter of said town, within two years next after said land was taken; and in case the owner or owners or those claiming under them, shall not apply within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any assessment or compensation thereof: *Provided*, nothing herein contained shall affect rights of feme covert, or infants, until two years after the removal of their respective disabilities: *Provided*, this act shall not be construed as repealing or modifying section one hundred and fifty of the Code.

SEC. 89. That all laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 90. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 194

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1923,
BEING AN ACT TO REVISE AND CONSOLIDATE THE
CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-five of chapter fifteen of the Private Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out, in line seventeen thereof, the words "one-half of" and by striking out, in line eighteen thereof, the words "his part of." Amendment.

SEC. 2. That section fifty-five of said chapter be and the same is hereby further amended by striking out all after the semicolon, in line twenty-nine thereof, and inserting in lieu thereof the words "*Provided*, that the board of aldermen may, in its discretion, adopt such uniform rules and ordinances as they may deem proper to reimburse such property owners as may furnish labor and material the cost of not exceeding two feet of the width of such pavement, and to assess against such property owners as may fail to furnish same such part of the cost thereof as may be in excess of two feet of the width of said pavement when the said board shall have caused same to be furnished." Amendment.

- Amendment. SEC. 3. That section ninety-eight of said chapter be and the same is hereby amended by striking out the word "three," in line ten thereof, and inserting in lieu thereof the word "six."
- Amendment. SEC. 4. That section one hundred twenty-one of said chapter be stricken out and the following inserted in lieu thereof:
- Payment of taxes. "Sec. 121. *Payment of taxes.* Except as herein provided the collection and payment of taxes shall be governed by the general laws of the State not inconsistent with this chapter: *Provided*, that all taxes levied by the city of Elizabeth City for general, special, graded school, fire commission, or other purposes, shall become due and payable on the first day of November in the year in which they are levied; and all taxes paid during the months of November, December and January shall be paid in the net amount charged, and that from and after the thirty-first day of January a penalty of one per cent per month, or fraction of a month, shall be charged, collected and paid: *Provided*, that no penalty shall be charged, collected or paid for or upon taxes for the year one thousand nine hundred and twenty-four."
- Amendment. SEC. 5. That section one hundred thirty-one of said chapter be amended by adding at the end thereof the words "*Provided*, said public utilities commission may by uniform rules and ordinances assess the charges, rents, rates, forfeitures and emoluments fixed by it as aforesaid from the operation of the aforesaid systems, or of either or any of them, or for the use or rent or service thereof, in or upon said building, place or premises, against said property and the owner thereof, and provide that same shall be added to the taxes thereon and collected as other municipal taxes: *Provided, however*, this shall not operate to release any tenant or occupant of any such building, place or premises from the payment therefor, or any obligation which he may be under to the owner thereof to make such payment."
- Amendment. SEC. 6. That section one hundred thirty-two of said chapter be amended by adding at the end thereof the words "*Provided*, that such contracts may be made for not exceeding five years, if approved by the board of aldermen."
- Amendment. SEC. 7. That section one hundred twenty-three of said chapter be amended by adding thereto the following paragraph, to wit:
- "As soon as practicable after the ratification of this act the public utilities commission shall proceed to determine and declare the cost and value of each part of the sewer system purchased and acquired by it from Elizabeth City Sewerage Company, the cost of acquisition of which is to be paid by abutting property owners as aforesaid, and to assess same against said abutting property and the owners thereof, as aforesaid. This determination shall be had after public hearing and notice to the landowners affected, or if they be nonresidents then to their

agents in said city, if any are known, and by notice published in some newspaper in Elizabeth City at least fifteen days prior to said meeting. From the determination by said utilities commission and the assessment upon abutting property owners as aforesaid any interested party may appeal to the Superior Court of Pasquotank County where the matter shall be proceeded with in the manner now provided in case of appeals in proceedings for condemnation of land for streets. In cases where it shall be found necessary to relay, alter or modify any sewer purchased, as aforesaid, that fact shall be taken into consideration in determining the sum to be assessed against abutting property: *Provided*, that no assessments against abutting property owner shall become effective until the completion of installation of the sewer system now about to be installed in said city: *Provided further*, that the public utilities commission is hereby authorized to declare the time when said system shall have been completed and its determination and declaration thereof shall be final. *Provided further*, that said public utilities commission, after the determination and declaration of completion as aforesaid, may, in its discretion, provide that no part of the cost of said sewer system shall be assessed against abutting property owners but that the entire cost thereof shall be paid by said city."

SEC. 8. Neither of the present aldermen from the first ward having received in the last municipal election the largest number of votes, both of them having received the same number of votes, and there having been no determination that either of them was elected for a term of four years, it is further enacted that the term of office of each of them shall expire and terminate on the first Monday in June, one thousand nine hundred and twenty-five; that in the regular municipal election to be held on the second Monday in May, one thousand nine hundred and twenty-five, two aldermen shall be chosen from said ward in the manner provided by section four of chapter fifteen, Private Laws of one thousand nine hundred twenty-three, the elector receiving the highest number of votes to hold office for four years and the one receiving the next highest to hold office for two years.

Tie in
municipal
elections.

SEC. 9. That in the event that in any municipal election hereafter to be held, any two or more persons shall receive the same number of votes, the board of canvassers shall choose and elect one of them to the office to be filled, or to the longer term if two aldermen are to be elected from the same ward. That in the event the board of canvassers fail to elect as herein provided, the election shall be made by the board of aldermen after other members-elect are inducted into office on the first Monday in

Tie in
municipal
election.

June, as provided in said chapter fifteen, Private Laws of one thousand nine hundred and twenty-three, section four.

Conflicting
laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 195

AN ACT TO SUPPLEMENT CHAPTER 30 OF THE PRIVATE LAWS OF 1920, EXTRA SESSION.

The General Assembly of North Carolina do enact:

Supplementary
act.

SECTION 1. That nothing contained in any act heretofore adopted shall be deemed to affect or limit the powers with respect to the issuance of bonds which the board of trustees of Goldsboro graded schools is authorized to exercise by chapter one hundred thirty-six of the Public Laws of one thousand nine hundred and twenty-three of North Carolina, and the acts amendatory thereof, and said board is authorized to issue bonds pursuant to and in accordance with the provisions contained in said chapter one hundred thirty-six, and the acts amendatory thereof, relating to the issuance of bonds by special charter school districts. All acts done and proceedings taken by said board pursuant to and in accordance with the provisions of said chapter one hundred thirty-six, and the acts amendatory thereof, are hereby legalized and ratified.

Conflicting
laws repealed.

SEC. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 196

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MICRO, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Charter
amended.

SECTION 1. That the charter of the town of Micro, Johnston County, North Carolina, be and the same is hereby amended by striking out "present rate of twenty (20) cents on the one hundred dollars valuation," and inserting in lieu thereof "sixty

(60) cents on the one hundred dollars," and striking out the "present poll tax provisions" and inserting in lieu thereof "such poll tax as is now allowed by law."

SEC. 2. That hereafter the board of town commissioners of Micro, North Carolina, be and the same is hereby authorized to levy a tax on all property within the town of Micro, not to exceed sixty (60) cents on the one hundred dollars.

Tax levy.

SEC. 3. That all laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 197

AN ACT TO INCORPORATE THE TOWN OF BRUNSWICK IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Brunswick in the county of Columbus be and the same is hereby incorporated under the name and style of the town of "Brunswick."

Brunswick incorporated.

SEC. 2. That the said town shall have all the powers, privileges, and immunities contained in chapter fifty-six of the Consolidated Statutes entitled municipal corporations and all amendments thereto including those hereafter enacted.

Town to have powers, etc.

SEC. 3. That the corporate limits of said municipality shall be as follows:

Corporate limits.

"Beginning at a point eight hundred feet in a southeasterly direction of the center of the Beaufort County Lumber Company's railroad track where it crosses the Whiteville and Old Dock Public Road measured along said road to a point in the center of said intersection of public roads as now located, and runs due west three thousand feet; thence due north six thousand feet; thence due east six thousand feet; thence due south six thousand feet; thence due west three thousand feet to the beginning."

SEC. 4. That the officers of said municipality shall consist of a mayor and five commissioners, and a chief of police. The board of commissioners shall be as follows: C. S. Bounds, S. W. Robertson, W. N. Jackson, C. E. Neindorf and E. M. Dewey, and shall hold their offices for a period of six years from and after the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, or until their successors are elected and qualified: *Provided, however,* that by resolution

Board of commissioners.

adopted by said board of commissioners, the term of office of such commissioners may be shortened to four or two years, and in the event of any vacancy occurring in said board by death, resolution, resignation, or otherwise during said period of six years, then such vacancy shall be filled by the said board of commissioners, and at the expiration of the term of the said board named herein their successors shall be elected by the qualified voters of said town in an election to be held under and by virtue of chapter fifty-six of Consolidated Statutes. The said board shall have the power to elect a mayor, and they may elect one of their own number, or any qualified voter of said town. One of said board shall act as the treasurer of said town and may perform such other duties as the board may require.

Power to
elect mayor.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting
laws repealed.

SEC. 6. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 198

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section fifty-eight of chapter two hundred fourteen of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the conclusion of said section the following words:

“Provided, that the governing body of the town, in conjunction with the town school committee and with the permission of the county board of education, shall have authority to consolidate the special town of Southern Pines charter district hereinabove provided with one or more adjacent school districts, or portion of adjacent districts, and change the boundary lines between said special town of Southern Pines charter district and any one or more, or portion of adjacent local tax districts, in which case there shall be levied and collected annually for the support of the public schools in said enlarged district a tax of fifty (50) cents on each one hundred dollars (\$100) valuation of property; and *provided further,* that in the event of the creation of an enlarged district there shall be a school committee consisting of five members, four of whom shall be appointed biennially by the board of commissioners of the town of Southern Pines, and who shall be freeholders and citizens of said town, and one

appointed biennially by the county board of education who shall be a citizen and freeholder of Moore County, residing within the enlarged district and without the corporate limits of the town of Southern Pines.”

SEC. 2. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 199

AN ACT TO RATIFY AND APPROVE AN ISSUE OF SCHOOL BONDS OF HENDERSONVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds of Hendersonville graded school district, authorized by chapter one hundred, Private Laws of one thousand nine hundred and twenty-three, and heretofore authorized at an election held in said school district, are hereby declared to be valid and binding obligations of said Hendersonville Graded School District, notwithstanding that said bonds are issued as serial bonds, to mature as follows: Six thousand dollars on February first in each of the years nineteen twenty-eight to nineteen thirty-seven, both inclusive; eight thousand on February first in each of the years nineteen thirty-eight to nineteen forty-two, both inclusive; ten thousand dollars on February first in each of the years nineteen forty-three to nineteen forty-seven, both inclusive; twelve thousand dollars on February first in each of the years nineteen forty-eight to nineteen fifty-two, both inclusive, and fourteen thousand dollars on February first in each of the years nineteen hundred and fifty-three to nineteen fifty-seven, both inclusive; and that said maturities are hereby ratified and approved and confirmed.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 200

AN ACT TO INCORPORATE THE TOWN OF DELLVIEW,
GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Town
incorporated.

SECTION 1. That the town of Dellview in the county of Gaston be and the same is hereby incorporated and shall be and continue to be a body politic to be known by the name and style of the town of Dellview, North Carolina, with such powers, rights and duties as are herein provided, together with all the rights and privileges as are granted to incorporated towns and cities in the State of North Carolina not in conflict with the provisions of this act.

Corporate limits.

SEC. 2. That the boundaries and limits of said corporation shall be and that the said town shall embrace the territory within the following described lines and boundaries, and the said lines and boundaries shall be the corporate limits of the said town of Dellview, viz.:

Beginning at a stake in the center of a brick building built and owned by J. H. and D. P. Dellinger and known as the first brick building built by them in said town and runs thence north seven hundred and fifty feet to a stake (the beginning point in the boundary) and runs thence east seven hundred and fifty feet to a stake; thence south fifteen hundred feet to a stake; thence west fifteen hundred feet to a stake; thence north fifteen hundred feet to a stake; thence east seven hundred and fifty feet to the beginning point. The boundary being fifteen hundred feet square and lying north and south, east and west.

Town officers.

SEC. 3. That the officers of said town shall be a mayor and three commissioners who shall be elected at an election to be called and held on the same day as the general election for the election of a president of the United States, and who shall hold office for a term of four years and until their successors are elected and qualified, together with a town clerk, town attorney, chief of police and such other officers as the board of commissioners may designate whether authorized hereunder or under and by virtue of the general laws governing municipalities in the State. That said election and elections hereafter held under the provisions of this act shall be held under and in accordance with the general law of the State governing the holding of elections for the choosing of municipal officers in the various towns and cities of North Carolina; and all special elections held in said town of Dellview, hereafter, for any purpose, shall be held under and in accordance with the same laws.

SEC. 4. That in case of a vacancy in the office of mayor, the board of commissioners of said town may fill the same by electing a suitable man residing within the corporate limits of said town. Vacancy.

SEC. 5. That the mayor shall, when present, preside at all meetings of the board of commissioners of said town, but shall have no vote on any matter coming before said board, except in case of a tie vote; and in his absence from the meetings of said board, the said board of commissioners shall appoint one of their number to serve as mayor pro tempore, and the commissioner so appointed shall perform all the duties of the mayor: *Provided*, that the commissioner who may be elected mayor pro tempore shall have the right to vote as commissioner on any matter coming properly before the board, and in case of a tie he shall, as mayor, cast the deciding vote. Meetings.

SEC. 6. That in case of a vacancy in the office of commissioner, from death, resignation, or other cause, the remaining members of the board shall fill such vacancy by appointing some competent person residing within the corporate limits of said town to such position: *Provided*, that if, on account of their manner of voting, said remaining members of said board should fail to fill any vacancy occurring in the office of commissioner, the mayor shall have the right to vote for any man whose name is before the board to fill such position, and the person who in such case receives the vote of the mayor and one commissioner shall be declared elected to fill such vacancy. Vacancy.

SEC. 7. That said town is hereby authorized and empowered to sue and be sued in its corporate name, namely, "town of Dellview, North Carolina."

"Town of
Dellview, North
Carolina."

SEC. 8. That the board of commissioners of said town shall have and they are hereby given the right and power to acquire, from time to time, by purchase or otherwise, in the corporate name of said town all real, personal, and mixed property necessary for the actual and legitimate needs of said municipality; and said board of commissioners shall have and are hereby given the power to sell, mortgage, exchange, or otherwise dispose of, any real, personal, or mixed property belonging to said town, at any time, when by a two-thirds vote of all the members of said board of commissioners such sale or other disposition of such property shall be determined to be for the best interests of said town, and all bills of sale, mortgages, deeds in trust, and deeds of conveyances passing title to any property belonging to said town which may at any time be sold, mortgaged, or otherwise disposed of, shall be executed only upon order of the board of commissioners, in the corporate name of said town, by the mayor, and the secretary of said board shall attest the same,

Commissioners
authorized to
acquire land.

and all papers executed in the name of said town shall bear the impression of the corporate seal thereof; and all certificates of acknowledgment or proof of the execution of the paper-writings above enumerated shall be in the same form or substantially in the same form as certificates of acknowledgment or proof of the execution of deeds or similar conveyances made by corporations, and shall be taken in the same manner as certificates to deeds and other papers made by corporations are taken.

Maintenance of streets, waterworks, etc.

SEC. 9. That the board of commissioners of said town shall, for the purpose of operating, establishing, building, widening, changing and improving streets and alleys in said town, and for the purpose also of constructing waterworks and a sewerage system for said town, and for the purpose also of extending, enlarging, improving, and keeping in repair any waterworks or sewerage system, or either of them, which is now owned and operated or hereafter acquired by said town, and for the purpose also of establishing public parks and erecting public buildings, have and are hereby given the right and power to enter upon the lands and premises of private persons, firms, or corporations, and condemn such lands, or so much thereof as in their judgment may be necessary for any or all of the purposes aforesaid; and to promote the best interest of said town, and to enable the said board of commissioners of said town to construct, equip, and maintain a good waterworks and good sewerage system for said town, the said board of commissioners shall have and are hereby given the right to enter upon and condemn such lands as may be necessary for the said purposes in this section above enumerated and authorized, within the corporate limits of said town and outside of said town within a radius of one mile of said corporate limits; and the said board of commissioners of said town shall pay the owner or owners of such land as shall be condemned under the provisions of this section such damages as they may sustain by reason of such condemnation; and if the said board of commissioners and the owner or owners of lands condemned cannot agree upon the amount of damages which should be paid for lands condemned, the same shall be fixed by three citizens who shall be qualified to act as jurors, one to be chosen by said board of commissioners, one by the owners of the lands condemned, and the third by the two so chosen. The said three men so selected may view the lands condemned, if they desire to do so, and shall hear any evidence which either the board of commissioners or the owner or owners of the lands condemned may desire to offer as to the value thereof, and after they have heard the evidence they shall make up and file a report, under their hands and seals, with the mayor of said town, stating the amount of compensation or

Eminent domain.

Payment to owner.

damages which they may find shall be paid by said town for lands condemned under the provisions of this section; and if either the board of commissioners or the owner or owners of the lands condemned shall not be satisfied with the award of said three referees, or any two of them, they may appeal therefrom, by giving the notices required by law in cases appealed from courts of justices of the peace, and by giving the usual bond of two hundred dollars for costs, to the next term of the Superior Court of Gaston County, where the whole matter may be tried de novo, by the court and jury; and if they desire to do so, either the board of commissioners of said town or the owners of the lands condemned may assign errors and appeal from the judgment rendered in the Superior Court to the Supreme Court under the same laws and rules governing appeals in other civil cases: Provided, that litigation about damages shall in no way interfere with, stay, or prevent the commissioners of said town from taking possession of and using the lands condemned under the provisions of this section, at any time they shall desire to do so.

SEC. 10. That the board of commissioners of said town shall have the right to anticipate the grading, guttering, macadamizing, paving, or construction with asphalt or similar material the streets of said town and also the work of grading, guttering, curbing, and constructing sidewalks in said town, out of brick, cement, concrete, or similar materials; and with such work in view or contemplated, the board of commissioners of said town may from time to time have such of the streets and sidewalks of said town as they may desire surveyed by a competent engineer, and graded according to such survey, and permanent grades established, and grade posts or monuments set, and plats made and recorded of said streets and sidewalks, so that the authorities of said town and especially the abutting property owners, may plan for the permanent building, in the future, of streets, sidewalks, and buildings.

Survey of
streets by
engineer.

SEC. 11. That whenever any street in said town, including the sidewalks, shall have been graded whole or in part according to grades established by a competent engineer under the direction of the board of commissioners, it shall be incumbent upon the owner or owners of real property abutting on the streets so graded to construct that portion of the sidewalk on his or their side of the respectively, upon which the property of such owner or owners abuts, the full width across their respective fronts, with such materials and in such manner as the board of commissioners of said town may specify and direct. Whenever any street in said town shall have been graded in the manner aforesaid, the board of commissioners of said town shall, through their secretary, notify the owner or owners of lands abutting

Landowner to
construct
sidewalk.

thereon to at once construct the sidewalks upon the same, in front of their respective properties, out of such materials as the board of commissioners may specify, and in the manner said board may direct, as hereinbefore provided; and should such abutting property owner or owners fail or refuse, for a period of thirty days after they have been served with such notice, to comply therewith by constructing said sidewalks, then said board of commissioners shall, unless further time be granted to said abutting property owners in which to construct said sidewalks, proceed to construct, or cause to be constructed, said sidewalks, and charge the cost thereof against such abutting property owners, respectively, and cause said charges to be entered by the clerk of said board in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said city statements showing the amount each abutting property owner is charged with on account of the construction by the commissioners of said town of said sidewalks, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as the taxes of said town are collected and accounted for: *Provided*, that where the said board of commissioners do not macadamize, pave or lay with asphalt or other similar material the entire width of the street, or the entire width of the part thereof which shall have been graded in the manner aforesaid, then and in that case the said board of commissioners shall construct the sidewalks thereon out of such materials and in such manner as they may deem proper, and charge one-third the cost of constructing such sidewalks to the owner or owners of property abutting on said sidewalks so constructed, and shall cause their clerk to enter the amount charged to each abutting property owner in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said town a statement showing the amount each abutting property owner is due said town on account of the construction of said sidewalks by said board of commissioners; and it shall be the duty of said tax collector to forthwith collect and account for the same in the same manner that taxes are collected and accounted for, and the amounts charged against abutting property owners, under and by virtue of the provisions of this section, shall, from the commencement of the work of constructing said sidewalks, be and constitute a lien or liens on the respective lots of abutting property owners against whom said amounts are so charged; and if any of said amounts are not paid within fifteen days after demand is made for payment thereof, so much of the lot or lots of the owner or owners who fail to pay as aforesaid as may be necessary to pay, the property shall be advertised and sold by

Cost.

Collection
amount from
landowner.

Statement to
tax collector.

the tax collector of said town for cash with which to pay off and discharge the full amount of the assessment or assessments, default in the payment of which has been made, said sales to be made under the same laws, rules and regulations, with the same rights of redemption and in the same manner as is prescribed for the sale of real estate for unpaid taxes; and said tax collector shall make deeds to purchasers of property so sold by him in like manner as tax collectors make deeds to property sold for the nonpayment of taxes: *Provided*, that said board of commissioners may, in their discretion, divide the amount charged against any abutting property owner or owners, under and by virtue of the provisions of this section, into three equal annual installments, and permit the same to be paid in like manner, during the three years immediately following the commencement of the work of constructing said sidewalks, said installments to draw interest at the rate of six per centum per annum from the date of the commencement of such work; and all the work which they are authorized to do by this act or by any other law, by contract or otherwise, as they may, in their discretion, determine is for the best interest of said town.

Division
of amount.

SEC. 12. That the board of commissioners shall have and they are hereby given the power to lay, from time to time, water and sewer pipes, and construct waterworks and sewerage systems for the use of the inhabitants of said town, and to extend such waterworks and sewerage systems to the extent and in the manner that they may deem proper, and said board of commissioners shall keep, or cause to be kept, the said waterworks and sewerage systems in good condition and repair with the proper connections and shall control and manage said waterworks and sewerage systems, and every part thereof, in the manner that they shall deem proper, and shall have power and authority to require the owner or owners of any improved lot in said town to connect such lot and the buildings thereon, by means of pipes, with the water and sewer lines of said town, in the manner and at the places designated by said board of commissioners, to the end that the sewerage from such lots and buildings thereon may pass off through said town's sewerage system: *Provided*, that if the said town shall not have a sewer line within five hundred feet of such improved lot, the owner of such lot shall not be compelled to connect with said town's sewerage system. The board of commissioners of said town shall give, through their secretary, thirty days notice to each and every property owner in said town who shall be required to connect with the sewerage system of said town; and upon failure or refusal of such property owner or owners to make such con-

Laying of
water and
sewer pipes.

Failure of
landowner to
to comply.

nection within the time specified in said notice, said board of commissioners may, either in person or through employees, enter upon the lot and premises of the property owner or owners failing or refusing to comply with the terms of said notice, and make such connections, and charge the cost thereof to such property owner or owners, in the same manner as is hereinbefore provided in the matter of the construction of sidewalks, and such costs so charged shall constitute a lien upon the lot and property of the owner or owners who shall refuse or fail to connect as aforesaid, and the tax collector of said city shall collect the same in the same manner as is hereinbefore provided for the collection of unpaid sidewalk assessments.

Power to
purchase electric
light and power
plant.

SEC. 13. That the board of commissioners of said town shall have and they are hereby given the right and power to purchase or construct an electric light and power plant, and to own and operate the same for the purpose of furnishing the inhabitants of said town with light, heat, and power: *Provided*, said board of commissioners, may furnish lights and power to individuals, firms, or corporations not residing in said town, when in the judgment of such board it would be wise to do so: *Provided further*, that instead of manufacturing their own electricity, at a plant owned and operated by said town, for the purposes aforesaid, said board of commissioners may purchase same from some electric light and power company, and distribute, sell, and use same in the same manner and to the same extent as if they manufactured said product themselves; *Provided*, that when it shall be necessary for them to do so, said board of commissioners shall have the right and power, for the purpose of enabling them to procure rights-of-way upon which to erect their poles and string their wires and cables in the construction and maintenance of an electric light and power plant, or for the purpose of erecting poles, stringing wires, laying cables, and maintaining same for the purpose of distributing, selling, and using electricity which they may purchase, to enter upon and condemn lands actually necessary to furnish them with rights-of-way in the same manner, with the same rights to the parties, as is provided in section nine of this act for the condemnation of lands for streets and other purposes mentioned in said section.

Power to
purchase
telephone
system.

SEC. 14. That the board of commissioners of said town shall have and they are hereby given the power and authority to purchase or construct and maintain a telephone system in said town, and to furnish the citizens thereof with telephones and telephone service, at such prices and to such extent and upon the terms and in the manner which, in their judgment, may be for the best interests of said town: *Provided*, that when it may be necessary for them to do so, said board of commissioners shall have the

right and power, for the purpose of enabling them to procure rights-of-way upon which to erect their poles, string their wires, lay their cables, and maintain same in the construction and keeping in repair such telephone system, to go upon and condemn lands actually necessary to furnish the rights-of-way for said purposes; said lands for said rights-of-way to be condemned in the same manner, with the same rights to the parties, as is provided in section nine of this act for the condemnation of lands for street and other purposes mentioned in said section.

SEC. 15. That said board of commissioners of said town shall have, and they are hereby given the power and authority to, at any time, and from time to time, borrow money upon the notes or bonds of said town, for the purpose of paying off and discharging any floating indebtedness which may have been or may hereafter be necessarily incurred in the carrying on the affairs of said town, and for the further purpose of making any or all of the improvements authorized by this act and the general law of the State applicable to cities and towns, for the purpose also of purchasing, constructing, equipping, and extending from time to time, to such extent and in such manner as said board of commissioners may deem proper, any or all of the public improvements, businesses, and enterprises authorized by this act; and said board of commissioners shall have the right to borrow said money upon such notes or bonds, without being authorized so to do by a vote of the people of said town, except where they propose to borrow money and thereby create a debt which they would be prohibited from creating by section seven of article seven of the Constitution of North Carolina, without a vote of the people. If, however, said board of commissioners shall desire at any time to borrow money and create a debt which the said section of said Constitution requires shall be approved by a vote of the people of said town, said board of commissioners are hereby authorized to call and hold a special election for the purpose of giving the qualified electors of said town an opportunity to vote their approval or disapproval of the proposition to borrow money and create such a debt; and if a majority of the qualified voters of said town shall vote approvingly of said proposition, said board of commissioners shall be authorized to borrow the amount of money proposed, for the purpose for which they desire to borrow same, which purpose shall be made known to the electors of said town, so as to enable them to vote intelligently on such proposition: *Provided*, that elections to authorize said board of commissioners to borrow money and issue the notes or bonds of said town for any one or more special purposes shall not be held for the purpose of permitting the voters of said town to vote on the same proposition oftener than once a year; and

Power to
borrow money.

Vote of
people.

Vote on
bond issues.

when said board of commissioners shall borrow any money, which they are authorized by this section to borrow, they shall have the power and authority to pledge the faith and credit of said town for the payment of the same and the interest thereon, both the principal and interest, to be evidenced by notes or bonds of said town which shall be executed in the corporate name thereof, by the mayor, and attested by the secretary of said board, and shall have impressed thereon the corporate seal of said town: *Provided*, that no notes or bonds of said town shall be sold for less than par, nor at a greater rate of interest than six per centum per annum, unless the qualified voters of said town by a majority vote, or the board of commissioners by a two-thirds vote, shall determine otherwise: *Provided further*, that said board of commissioners shall always provide for the payment of the principal and interest at maturity of any notes or bonds which they may from time to time issue and sell, by levying and collecting on the subjects of taxation and the taxable property of said town a sufficient amount of taxes for said purposes, said levy to be made at the time and in the manner that levies for general purposes are made.

Payment.

Sale of bonds.

Special tax.

Regulation
of streets, etc.

SEC. 16. That the board of commissioners of said town shall have power to regulate, control, and protect in such manner and to such extent as to them may seem proper, the alleys, streets, sidewalks, public parks, market places of all sorts, waterworks, sewerage systems, cemeteries, and all other properties, real or personal, belonging to said town within the limits thereof, and beyond such limits, and shall have the right and power to pass and enforce laws and ordinances, rules and regulations, from time to time for the purpose of protecting the said streets, alleys, waterworks and sewerage systems, and all other property belonging to or controlled by said town.

Chief of police.

Duties.

Oaths.

Bonds.

SEC. 17. The board of commissioners of said town may appoint a chief of police of said town, and also a tax collector, town attorney, and all such officers and agents as may be necessary to enforce the ordinances, rules and regulations, and conduct the affairs of said town; and said board of commissioners shall have the right to determine the amount of salaries which shall be paid such officers and agents, and also the salary of the mayor, and may administer oaths of office to the various officials of said town, and require bonds from them, to the State, in proper penalties for the faithful performance of their respective duties.

Municipal tax.

SEC. 18. The board of commissioners of said town shall have and they are hereby given the power to annually levy and cause to be collected, for municipal purposes, a tax not exceeding one dollar on the one hundred dollars worth of property within the corporate limits of said town which may be liable to taxation

for State and county purposes, and such amount on each poll as may be allowed by law; and said board of commissioners may annually lay a special or privilege tax on all trades, professions, franchises, and businesses carried on or enjoyed within the corporate limits of said town, unless otherwise provided by law, and may lay a tax on all such shows and exhibitions for reward as are or may be taxed by the General Assembly of North Carolina, and on all dogs, swine, horses, cattle, and other livestock running at large within the corporate limits of said town, and upon all druggists and other persons who shall be engaged in or shall hereafter engage in the legal sale of spirituous, vinous, or malt liquors, or other intoxicating beverages in said town.

Special tax.

SEC. 19. That for the purpose of enforcing the payment of any and all special or privilege taxes, which said board of commissioners may from time to time lawfully lay or levy, said board shall have the power to pass and enforce ordinances making it a misdemeanor for any person or persons, firm or corporation, to fail to comply with the laws and regulations of said town in regard to the manner and time of paying such special or privilege taxes.

Violation town ordinance misdemeanor.

SEC. 20. That for the violation of any law or ordinance enacted by the board of commissioners of said town in accordance with law, said board shall have the right to prescribe fines and penalties which may be imposed upon persons who may be guilty of violating such laws or ordinances: *Provided*, such fines or penalties shall not exceed the sum of fifty dollars or imprisonment for a term not exceeding thirty days for each and every violation of such laws and ordinances, said fines to be recovered by warrant before the mayor; and when any person or persons shall be convicted upon a charge of violating any law or ordinance of said town, the person or persons so convicted may, unless the fine and costs imposed shall be settled at once, be immediately committed to the town jail for a term of thirty days, to be worked upon the streets or other public property of said town under the direction and supervision of the authorities thereof, in accordance with such reasonable rules and regulations as said board of commissioners may provide for the working of such persons: *Provided*, that said board of commissioners shall have the right, in their discretion to hire out, for such compensation as they may require, persons who may be found guilty of violating the ordinances of said town, when such person shall not be able to pay the fine and costs imposed for the violation of such ordinances.

Fines for violation.

SEC. 21. That the board of commissioners of said town shall have and are hereby given the authority to pass orders, adopt resolutions, or enact ordinances authorizing the policemen of said

Authority to pass orders, etc.

town to arrest without warrant persons who may violate the laws and ordinances of said town in the presence of such police officers; and it shall be the duty of said policemen to take the persons so arrested immediately before the mayor, to be dealt with as the law directs. Any duly elected or appointed police officer of said town shall, when he deems it necessary, have the right to call or summon any bystander to assist him in making any legal arrest and any person so summoned by such police officer who shall, without just cause, fail or refuse to assist in making any such legal arrest, shall upon conviction by the mayor be punished as the ordinances of said town may provide.

SEC. 22. That the board of commissioners of said town shall have power to pass or enact laws and ordinances specifying in what portions of said town hogs shall be kept, and the kind and size of the pens or lots they shall be kept in, and the condition in which such pens or lots shall be kept; and said board of commissioners shall also have the right to pass laws and ordinances prescribing the manner in which dogs shall be kept in said town, and to prevent the running at large on the streets thereof of all domestic animals and fowls to the extent and in such manner as said board may deem proper.

SEC. 23. That the board of commissioners of said town shall appoint in the month of April of each year a tax lister whose duties it shall be to notify all persons owning property in said town, and all persons and corporations required by law to pay taxes in said town, to appear at the office of such tax lister, between the fifteenth day of May and the fifteenth day of June in each year, and return under oath a true and accurate list of his, her, or their taxable property in said town, or which may be liable for taxes therein, at its true cash value; and all persons liable for the payment of a poll tax in said town shall list same at the said time and place: *Provided*, that it shall be sufficient notice to taxpayers, if said tax lister shall post at the office of the mayor of said town, and at four other public places therein, a ten-day notice stating the time and place when and where he will list the taxes of such taxpayers; and said tax lister shall make and return to the said board of commissioners an alphabetical list of the taxpayers of said town, together with a classified schedule of all the taxable property and polls of such taxpayers, on or before such date as may be designated by said board of commissioners. Upon the filing of said list and schedules, said board of commissioners shall examine same and make such corrections in or revisions thereof as they may desire to make and shall then cause the said tax lister or other competent person to make up a book or list showing the property listed by each person, firm, or corporation, and the amount of taxes each

Power to
enact certain
laws.

Tax lister.

taxpayer is liable for. And when such tax book or list shall have been made up complete, same shall be placed in the hands of the tax collector of said town, for collection, but not later than the first Monday in September of each year, accompanied by a warrant or order to said tax collector, from said board of commissioners, signed by the mayor and attested by the secretary of said board, which book or list and said warrant or order shall be returnable on a day certain, not later than the first day of February in each year; and said tax list and warrant or order shall have the force of a judgment and execution for the taxes in said book or list stated: *Provided, however,* that said tax list shall not, in any year, be delivered to such tax collector until he shall have settled for all the taxes due on the list for the preceding year, provided the list was in his hands for such year, and not until he shall have filed with said board of commissioners a good and sufficient justified bond in an amount not less than the sum total of the said tax list, which bond shall always be approved by said board of commissioners and be spread on record in the minutes of said board.

Tax list given
tax collector.

SEC. 24. That the tax collector shall enforce the collection of taxes due said town by levying upon personal property, if any can be found, and if none can be found, then upon the real property of the delinquent taxpayers within said town; and after he shall have advertised the personal property for twenty days and the real property for thirty days, by posting notices at the office of the mayor and four other public places in said town, or for the same time in some weekly newspaper published in Gaston County, he shall sell said property, or so much thereof as may be necessary to satisfy the taxes for which same is being sold and all costs incident to such sale; said sales to be made by public auction at the front door of the mayor's office in said town; and for all real property so sold the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of the board of commissioners a true return of his proceedings: *Provided,* that if the delinquent taxpayer whose real estate is so sold, or his agent, shall desire to redeem the said real estate, he shall be permitted to do so, only upon his paying to the secretary of said board, within twelve months from the date of sale, the amount for which such real estate was sold, including costs, plus twenty-five per centum on such amount. Upon the payment of such sums such taxpayer shall be restored to his original rights with respect to the property so sold; but upon failure of any delinquent taxpayer to so redeem his real estate so sold, the tax collector shall make deed to the purchaser, and such deed shall be sufficient to pass all the rights, title, and interest the delinquent taxpayer has

Collection
of taxes.

in and to the real estate so sold. The said tax collector shall, by survey or otherwise, definitely designate what part of the real estate of any and all delinquents be so sold, when less than the whole lot or tract of such delinquent or delinquents was sold.

Commissioners
not to contract
debt.

SEC. 25. That the board of commissioners of said town shall not contract any debt, pledge the faith, or loan the credit of said town for the construction of railroads, the support or maintenance of internal improvements, or for any special purpose whatsoever, to an extent exceeding in the aggregate ten per centum of the assessed valuation of the real and personal property situated in said town; and the levy of any tax to pay any such indebtedness in excess of this limitation shall be void and of no effect.

Power to
cause alleys,
etc., to be
kept clean.

SEC. 26. That the board of commissioners of said town shall have power to cause alleys, lots, cellars, privies, stables, and other places of like character to be kept in a cleanly and sanitary condition, and shall have the right to go upon the premises, either in person or through employees, of individuals, firms or corporations, for the purpose of doing the work necessary to keep said places in a cleanly and sanitary condition, where the owner or owners of such places refuse or neglect to keep them in such cleanly and sanitary condition.

Contract for
electric lights.

SEC. 27. That said board of commissioners, in case they do not desire that said town shall own and operate its own electric light and power plant, as hereinbefore provided for, shall have the right to enter into a contract with individuals, firms, or corporations to furnish the said town with electric lights for a definite period of time, upon definite terms, for a period of time not exceeding five years, and said contract, when reduced to writing and properly executed, shall be binding upon both parties thereto.

Power of
arrest.

SEC. 28. That any policeman or other duly appointed arresting officer of said town shall have and is hereby given the right and power to arrest, in any part of the county of Gaston, upon a warrant issued by the mayor, any person or persons who may be charged with violating the laws or ordinances of said town, and such persons so arrested shall be brought immediately before the mayor of said town and dealt with as the laws and ordinances of said town may prescribe.

Power to use
general funds
for certain
purposes.

SEC. 29. That said board of commissioners of said town shall have and are hereby given the right and power to use such of the general funds of said town as they may, in their discretion, determine to be for the best interests of said town for advertising purposes, and to promote a desirable immigration for said town: *Provided*, said board shall not, in any year, expend for said purpose an amount exceeding the sum of two hundred dollars.

SEC. 30. That until the next presidential election in one thousand nine hundred and twenty-eight, or until their successors are elected and qualify, the following named persons be and they are hereby appointed to hold the offices hereinbefore created: A. G. Dellinger, Mayor; J. H. Dellinger, A. T. Dellinger and Essie Dellinger Crowder, commissioners; and David P. Dellinger, attorney. Town officers.

SEC. 31. That article four of chapter one hundred ten of the Consolidated Statutes of North Carolina be and the same is hereby repealed in so far as it relates to J. S. Winget in the town of Dellview and anywhere in Gaston County only. Article repealed.

SEC. 32. That the said board of commissioners be and they are hereby empowered to appoint a board of school commissioners of at least three and not more than five members who shall have full control over the school property and the school for said town; that all school buildings shall be provided by the board of town commissioners and shall issue all bonds for school buildings and equipment as may be authorized by a majority vote of the citizens of said town in an election held for that purpose; that the said town board of commissioners and board of school commissioners may jointly make suitable arrangements with any adjoining districts for elementary and high schools for such time as they may deem wise before providing school buildings in said town. Board of school commissioners.

SEC. 33. That said town shall have the benefit of all provisions of the general law of the State applicable to incorporated cities and towns in North Carolina, where the same is not in conflict with the provisions of this act. Benefits.

SEC. 34. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 201

AN ACT TO CORRECT CERTAIN ERRORS IN AN ACT RATIFIED THE 26TH DAY OF FEBRUARY, 1925, ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN BY ENLARGING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled "An act to amend the charter of the town of Dunn by enlarging the corporate limits of said town," ratified on the twenty-sixth day of February, nineteen hundred and twenty-five be and the same is hereby amended by Amendment.

striking out from section one thereof the word "Pine," wherever the same occurs, and inserting in lieu thereof the word "Little," and by striking out the words "three hundred feet," within the clause of said section enclosed in parentheses, and inserting in lieu thereof the words "four hundred feet."

Conflicting
laws repealed.

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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 202

AN ACT TO AMEND AND CONSOLIDATE THE ACTS INCORPORATING THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

Town of
Morehead City
incorporated.

SECTION 1. That the town of Morehead City in the county of Carteret be and the same is hereby incorporated under the name and style of Morehead City, and that D. B. Willis, R. T. Willis, J. E. Mears, Cleveland Smith and C. H. Freeman, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body politic and corporate, with succession during the corporate existence of said town, shall be styled "the commissioners of the town of Morehead City," and shall have power to sue and be sued, and plead and interplead, and have and use a common seal, and acquire real and personal estate in the amount of two hundred thousand dollars. That Luther Hamilton, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such and perform all the duties pertaining to their office of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.

Commissioners
appointed.

SEC. 2. That the corporate limits of said town shall embrace the entire plan of the "city of Morehead," as published by the Shepard Point Land Company, and according to a copy of said plan as surveyed by Raymond R. Eagle, civil engineer, and heretofore adopted as the official plan of the town of Morehead City, and from the terminus of the Atlantic and North Carolina Railroad Company to the western boundary of the Shepard Point Land Company lands as shown on said plat or plan.

Corporate
limits.

SEC. 3. That the officers of said town shall consist of the mayor and five commissioners, to be elected by the qualified voters of said town every two years, as is now provided by law for municipal elections.

Town officers.

SEC. 4. Said election of mayor and commissioners shall be held at the city hall in said town and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes, unless he or she shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.

Election.

SEC. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each election year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the chief of police or tax collector of said town. The registrar so appointed shall immediately make publication at the door of the city hall and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town or do not appear on the revised lists, but the commissioners of said town may, if they think proper, upon giving thirty days notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Registrar.

Registration
book.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the Constitution of North Carolina, before some justice of the peace of Carteret County.

Oath of office.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on the Monday preceding the election, from the hour of nine o'clock a.m. until the hour of five o'clock p.m., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voters so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of

Duties of
judges of
election and
registrar.

Challenges.

any elector to challenge or to object to the name of any person registering or offering to register any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this chapter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Further duties.

SEC. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock a.m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners counted out by him; they shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall in any trial for illegal or fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Ballots.

SEC. 9. The voters shall vote by ballot having the name of the mayor and commissioners on one ballot either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Eligibility.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Notice of election.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners-elect of their election.

Oath of office.

SEC. 12. That the mayor and commissioners-elect shall, within three days after having been notified by the town clerk and treasurer before some justice of the peace in said county, take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Refusal to qualify.

SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same, and the other half to said town, to be applied by the commissioners of said town to the

use and benefit thereof; said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Quorum.

SEC. 15. That the mayor, when present, shall preside at all meetings of the commissioners; he shall also have power to call meetings when he shall deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor pro tempore, who shall, while acting as such, have all the authority and powers conveyed by this charter on the mayor of said town.

Meetings of commissioners.

SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioners of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.

Vacancy.

SEC. 17. That said commissioners shall at the first meeting after their election select some one as town clerk and treasurer, who shall hold office for two years or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties to be approved by the board of commissioners of said town, in the sum of ten thousand dollars, payable to the State of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town shall require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the State of North Carolina to the use of the board of commissioners of the town or Morehead City against the said official and his sureties. That if treasurer's bond is given in a surety company the premium for the same shall be paid by the town.

Town clerk and treasurer.

Monthly statement of town clerk.

SEC. 18. The said commissioners shall at the first meeting after their election select some one to act as chief of police or tax collector of said town, who shall hold his office for two

Chief of police and tax collector.

Duties.

years or until his successor is elected and qualified. He shall before entering upon the discharge of the duties of his office enter into bond in the sum of two thousand dollars, with good and sufficient sureties to be approved by the board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said chief of police or tax collector, upon his faithfully accounting for and paying over to the proper authority all money that may come into his hands from any source as said chief of police or tax collector, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town. The said mayor and commissioners shall have power to appoint, and shall fix the compensation for the same, for all necessary policemen needed for said town from time to time. If so ordered by the board of commissioners, the taxes and moneys due said town may be collected by the city clerk, or other officer of said town.

Power to make by-laws, etc.

SEC. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

Prevention of nuisances.

SEC. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Violation misdemeanor; penalty.

SEC. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, and if so ordered by the mayor, may be worked on the streets of said town during said term of imprisonment.

Work on streets.

SEC. 22. In all cases when an offender has been convicted before the mayor of said town for a violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against said offender therefor, may order that on failure to pay such fine to the chief of police or tax

collector of said town for the space of one day such offender so convicted shall be by the chief of police or tax collector of Morehead City put to work on the streets of said town for a time to be fixed by the māyor, not exceeding thirty days, when he shall be discharged.

SEC. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offenses committed within the corporate limits of said town.

Mayor to determine charges, etc.

SEC. 24. The chief of police or tax collector of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace in said town and within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees that a sheriff has in the county, and in the collection of taxes of said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Chief of police to execute process.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk or chief of police or tax collector, or any other official of said town, to demand or receive, either directly or indirectly, any consideration for work or labor done, or materials furnished to said town by said officials: *Provided, however*, that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer, and chief of police or tax collector: *Provided further*, that the commissioners shall receive five dollars each for each regular meeting of said commissioners which they may attend.

No compensation; proviso.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing

Power to lay new streets, etc.

any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order, directed to the chief of police or tax collector, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity or affinity with the mayor or commissioners of said town or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose land said proposed new street will run; said order shall direct the chief of police or tax collector to summon said jurors to meet on the land over which the proposed street is to be laid out or changed or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the chief of police or tax collector of said town of the summoning of said jurors, and the time and place of their meeting and the purpose of meeting for five days before the day when said jurors will meet to open and lay out any new street, or alter, change, or discontinue any street already laid out; said jurors, attended by the chief of police or tax collector, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors shall, under their hands and seals, make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of the commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

Repair, etc.,
of sidewalks, etc.

SEC. 27. Said commissioners of Morehead City shall have power to construct and repair the sidewalks or any of the streets of said town. And they shall further have power, and

they are hereby authorized to establish for said town of Morehead City a harbor line, and construct and maintain such public docks and wharves as they may deem advisable, and charge for the use thereof such compensation as may be reasonable and just; to control and regulate the use of such docks and wharves by vessels in said port under such rules, regulations and ordinances as they may adopt, subject to the Constitution and laws of the United States; and they are hereby authorized and empowered to adopt such ordinances as will carry into effect this section; and if they shall deem necessary they are authorized to appoint a board consisting of three citizens of said town, who shall be known as harbor commissioners, who shall hold office for a term of one, two and three years from the date of their appointment, and until their successors shall be appointed and qualified, with power and authority to designate and fix and establish such docks, wharves, harbor line, rules and regulations as they may deem necessary and advisable for the purposes hereinbefore set out. And said commissioners of said town, for the purpose of establishing such public docks and wharves as they may deem necessary and advisable, shall have the right to condemn and appropriate for such purposes such land and water front as may be necessary therefor upon making compensation to the owners thereof, for such land or water front as may be required and appropriated by them, and in the event said board of commissioners and the owners of such land or water front shall not be able to agree upon the price therefor, then in that event said commissioners shall condemn the same for the use of the town of Morehead City under the same rules, regulations and procedure as is herein prescribed for the condemnation of lands for streets in said city.

And said board of commissioners of Morehead City are further authorized and empowered to make, prescribe and designate the character of structure, house, building, dock or wharf, or docks or wharves, that shall be built by any individual or corporation over the water or adjacent to and along the harbor line which may be made or established by said board of commissioners or harbor commissioners herein provided for, and no structure, house, building, dock or wharf shall be constructed along or upon such harbor line or adjacent thereto until the plans and specifications therefor shall have been submitted to and approved by the board of commissioners of Morehead City, or the board of harbor commissioners if the same shall be created as herein provided. And said board of commissioners of Morehead City are hereby authorized to make and adopt

Building of
docks, etc.

such ordinances, as they may desire for the carrying into effect of this provision.

Assessment of costs of repair of sidewalks, streets, etc.

SEC. 27A. The said commissioners shall have power to construct, reconstruct and repair sidewalks on any of the streets of said town without any petition being made therefor, and may assess one-half of all cost and charges of such construction, reconstruction or repair against the lots or parcels of land abutting directly on such construction, reconstruction or repair, according to the extent of their respective frontage thereon. Such assessments so made shall be a lien against the properties so assessed until paid: *Provided, however,* that the cost of such improvements as determined and declared by said board of commissioners shall be final and conclusive, subject only to impeachment for fraud or collusion.

Market to be established.

SEC. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things and in what manner, whether by weight or measure.

Scales for weighing fish, etc.

SEC. 29. They may erect at some suitable place within said corporation, public scales for the purpose of weighing fish, fodder, hay, oats or rye in straw, cotton, crude turpentine, and livestock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

Power to make town ordinances, etc.

SEC. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

Collection of taxes.

SEC. 31. The board of commissioners of said town, to aid in the collection of taxes, are authorized to allow discounts and charge penalties for the current year's taxes, not to exceed the amounts as follows: Taxes paid before October first, discount of three per cent; taxes paid before November first, discount of two per cent; taxes paid before December first, discount of one per cent; taxes paid during the months of December and January, no discount nor penalty; taxes paid during the month of March, penalty of two per cent; taxes paid during the month of April, penalty of three per cent; and all taxes paid after that date, penalty of six per cent, unless sale has

been made, and in which event the penalty shall be as herein otherwise provided.

SEC. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however,* that the taxes levied by them shall not exceed sixty-six and two-third cents on the hundred dollars valuation on all real and personal property, and two dollars on each taxable poll, and the valuation of all property within said town, as taxed by said town commissioners, shall be the same as that at which it is assessed for taxation for State and county purposes.

Taxes on real property, etc.

SEC. 33. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year. The chief of police or tax collector of said town after that time may collect taxes by distraining any personal property of the taxpayer to be found within said town.

Payment of taxes.

SEC. 34. On the first Monday in May in each and every year, the town clerk and treasurer of said town shall by advertisement at the city hall door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such taxpayers an oath that they will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter; said list so returned shall state the age of the taxpayer, and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list takers of Morehead Township to be assessed by taxation for State and county purposes.

Notice of taxation.

SEC. 35. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk as provided in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons non compos mentis shall be returned as herein provided by their guardian or guardians, if they shall have any such.

Return to town clerk.

Return of
property.

SEC. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the chief of police or tax collector for the satisfaction of the taxes due on all property so returned by them, and the chief of police or tax collector of said town is hereby authorized at any time after the taxes may be due the said town on said property as aforesaid to distrain any personal property of such guardians, executors, administrators or trustees to be found in said town.

Tax list.

SEC. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for for thirty days after the first Monday in May in each year, the town clerk shall make return of the taxable property of such person or persons, and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the chief of police or tax collector of said town on the third Monday in August of each year. Such tax list, or a copy thereof, certified by the town clerk, when placed in the hands of the chief of police or tax collector shall have the force and effect of an execution.

Lien of
town taxes.

SEC. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable and sold to taxation of taxpayers within the town shall be liable to be seized and sold, after ten days notice at the city hall and four other public places in said town, in satisfaction of taxes, by the chief of police or tax collector after said taxes shall have become due and payable.

Personal
property.

Collection
of taxes.

SEC. 39. Whenever the taxes due said town shall be due and unpaid, the chief of police or tax collector of said town shall immediately proceed to collect them as follows: First, if the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the chief of police or tax collector shall seize and sell the same,

under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be one dollar; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the chief of police or tax collector of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the chief of police or tax collector returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of fifty cents for each levy; third, the chief of police or tax collector shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, postpaid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the chief of police or tax collector shall post a notice substantially as above described at the courthouse door and four other places in said town, at least thirty days before the sale of the land, and this last mentioned notice shall be posted in all cases of sales of land for taxes in said town; and fourth, the sale shall be made at the city hall in said town, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town, and his address be known to the chief of police or tax collector, the chief of police or tax collector shall, within one month after the sale, mail to him notice of the sale, and date thereof, of the name and address of the purchaser, of the sums bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

SEC. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land, at all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Sale of land
for taxes.

SEC. 41. The delinquent may claim possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-

Claim of
possession.

five per centum in addition thereto; at the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer and he shall give him a receipt therefor and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.

SEC. 42. At the time of such purchase of real estate for taxes, the chief of police or tax collector on receipt of the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

Failure to
redeem.

SEC. 43. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty-one hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-two hereof, and the chief of police or tax collector of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the chief of police or tax collector shall be allowed one dollar, to be paid by the purchaser. The deed from the chief of police or tax collector to the purchaser shall be registered in the register's office of Carteret County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the purchaser bid which the delinquent, his agent or attorney, had at the time of sale for taxes.

SEC. 44. All real estate bid in by the mayor of said town for the use of the town at sales made by the chief of police or tax collector for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk or treasurer within twelve months.

Special taxes.

SEC. 45. In addition to the tax on property the commissioners shall have power to levy and collect such special or license taxes as now or may hereafter be permitted by general law or not prohibited by the act to raise revenue.

Assessment of
landowners.

SEC. 45-A. That the commissioners of the town of Morehead City shall have power, in its discretion, to assess owners of land abutting on sidewalks paved or improved by said town for the cost of paving or improving such sidewalk in front of such abutting land; and the cost thereof as herein provided

for may be assessed upon such abutting property and added to the taxes on the same, and collected in the same manner that other taxes or assessments are collected: *Provided*, said sidewalks shall not be put in a better condition than the paved or improved street, under this section.

SEC. 46. That the commissioners of the town of Morehead City shall have control and supervision of all the shade trees on any of the streets or sidewalks of said town and shall have power and authority to make rules and regulations regarding the same. Control of shade trees.

SEC. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the city hall in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted. Ordinances to be posted.

SEC. 48. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 49. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 203

AN ACT TO AMEND CHAPTER 209, PRIVATE ACTS OF 1913, APPLYING ONLY TO THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection (c), section 1, chapter two hundred and nine of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby stricken out and the following substituted in lieu thereof: Amendment.

"(c). That section twenty of said act be and the same is hereby amended by striking out the proviso and inserting in lieu thereof the following: '*Provided*, the mayor shall have jurisdiction of any offense committed within the corporate limits of the town of Carthage and also of any offense committed within two miles of the limits of said town and the policemen of the said town shall have the power to make arrests within the limits of said town of Carthage and also to make arrests within two miles of the limits of said town for any violation of any of the criminal laws of the State.'"

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 204

AN ACT TO CHANGE THE NAME OF THE APPALACHIAN TRAINING SCHOOL AND TO OUTLINE ITS ORGANIZATION, POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Name changed.

SECTION 1. That the name of the Appalachian Training School at Boone, North Carolina, is hereby changed to the Appalachian State Normal School.

Board of trustees.

SEC. 2. The present members of the board of trustees of Appalachian Training School at Boone, North Carolina, shall remain and be the board of trustees of the Appalachian State Normal School until their terms shall expire pursuant to this act. The board of trustees of the Appalachian State Normal School, shall consist of nine persons to be appointed by the Governor. Within thirty days from the passage of this act the Governor shall name five members of the board and in naming the said five members, he shall designate which members of the present board are to be succeeded by the five so named. Within six months from the passage of this act, the Governor shall name the four other members of the said board and in naming the said four other members, he shall designate which of the members of the present board are to be succeeded by two of the four so named. The term of office of the first five named by the Governor shall expire on the first day of May, one thousand nine hundred and twenty-seven. The term of office of the last four named by the Governor shall expire on the first day of May, one thousand nine hundred and twenty-nine. Any vacancies occurring in said board shall be filled by the Governor. The Governor shall transmit the names of the trustees appointed by him to the Senate at the next session of the General Assembly for confirmation. The said board is hereby created a body corporate to be known as "The board of trustees of the Appalachian State Normal School." All property, real, personal or mixed of every kind and character now owned and under the control of the board of trustees of the Appalachian Training School, at Boone, North Carolina, or owned and under the control of the State Board of Education for the use and benefit of the Appalachian Training School or

Terms of office.

Vacancies.

Body corporate.

under the control and in the possession of any other person for the use and benefit of the said Appalachian Training School, is hereby transferred to and the title thereof vested in the board of trustees of the Appalachian State Normal School, who shall take, receive and hold the same for the use and benefit of the said school; the said trustees may purchase, and hold real and personal property, receive donations and do all things necessary and useful to carry out the provisions of this act.

Transfer of
all property.

SEC. 3. That it shall be the duty of said board of trustees to hold at Boone an annual meeting at which meeting they shall qualify and organize, and consider recommendations of the president of the Normal School, and such other business as may properly come before them. The board shall elect, at such meeting, a chairman and vice chairman, and appoint such committees among their membership as they may deem proper and wise for the conduct of this institution. They may also hold such special meetings from time to time as they may deem necessary.

Duty of
trustees;
meeting, etc.

SEC. 4. That it shall be the duty of the board of trustees of the Appalachian State Normal School to take and hold all property, of whatever kind, heretofore held by the trustees of the Appalachian Training School. The said board of trustees and their successors in office shall hold in trust, for the State of North Carolina, all such property as is herein transferred to them, or to be later acquired by them for the purpose of said school.

Duty to hold
property.

SEC. 5. That it shall be the duty of the board of trustees to provide for the spending of all moneys whatsoever belonging to, appropriated to, or in any way acquired by the Appalachian State Normal School; they shall provide for the erection of all buildings, the making of all needed improvements, the maintenance and enlargement of the physical plant of said normal school, and may do all things deemed useful and wise by them for the good of the school, not contrary to the educational policies of the State or the laws of North Carolina: *Provided, however,* that before letting contracts for the erection of any new buildings, the plans for the same shall be approved by the State Superintendent of Public Instruction, by the Secretary of the State Board of Health, and by the Insurance Commissioner of North Carolina.

Duty to provide
for spending
of moneys.

Erection of
buildings,
improvements,
etc.

SEC. 6. That it shall be the duty of the board of trustees to elect a president of the said normal school, to fix his salary, and his tenure of office. Upon the recommendation of the president, it shall be the duty of the board of trustees to elect

Election of
president
of school.

other officers, teachers, and employees, to fix their duties, tenure of office and their respective salaries.

Record of
board meetings.

SEC. 7. That it shall be the duty of the president to act as secretary of the board of trustees, to keep in a book to be provided for the purpose a full and complete record of all meetings of said board, and he shall be the custodian of all records, deeds, contracts and the like. He shall, with the approval of the chairman of the board, call all meetings of the board, giving proper notice to each member of every such meeting. The president shall be the administrative and executive head of the institution. He shall prepare annually for the board of trustees a detailed report of the normal school for the preceding year, a copy of which report shall be sent to the State Superintendent of Public Instruction, and a copy shall be filed in the office of the president.

Purpose of
school.

SEC. 8. That the central purpose of the Appalachian State Normal School shall be to prepare teachers for the public schools of North Carolina. To that end the president shall prepare course of study, subject to the approval of the State Superintendent of Public Instruction. It shall be the duty of the State Superintendent to visit the Appalachian State Normal School from time to time, and to advise with the president about standards, equipment and organization, to the end that a normal school of high grade be maintained. The standards shall not be lower, in the main, than the average standard of normal schools of like rank in the United States: *Provided, however,* that no person shall teach in the regular classes of the normal school, unless as a substitute or temporary teachers, whose academic and professional qualifications are lower than that represented by graduation from a standard college, or its undoubted equivalent.

State
superintendent
to visit
school.

SEC. 9. That it shall be the duty of the board of education and county superintendent of Watauga County to coöperate with the board of trustees of the Appalachian State Normal School in maintaining a practice or demonstration school. It shall be the duty of the board of trustees to furnish buildings, equipment, water and lights for such practice school; while the county board of education and the local school authorities shall furnish fuel and janitors, and shall pay all teachers in the practice school the regular State or county salary schedule, with the proviso that any excess in salaries on account of specially qualified teachers shall be paid by the board of trustees of the normal school. The qualifications of teachers in the practice school shall be fixed by the board of trustees; the nomination of such teachers shall be made jointly by the

Board of
Education
to coöperate.

Further duties
board of
trustees.

county superintendent and the president; but the practice teachers shall be elected by the school authorities of the local school district. The practice school while under the general administration and control of the normal school authorities, shall remain an integral part of the county school system, and be subject to the same regulations as to supervision, standards, records and the like as other graded schools in the county. In case of any disagreement between the bodies herein referred to, said dispute shall be referred to the State Superintendent of Public Instruction, whose decision shall be final.

SEC. 10. That the board of trustees are hereby authorized to establish a permanent endowment fund, to be loaned to needy and worthy students. The board may receive gifts and donations and may, after furnishing lights and power to the normal school, sell excess current, if any there shall be, at a rate approved by the Corporation Commission, to the people in the community, and set aside for said endowment any moneys coming to the institution from such sources. The board of trustees are hereby empowered to make rules and regulations for the proper safeguarding and loaning of said funds.

To establish permanent endowment fund.

SEC. 11. That it shall be unlawful for any one to hunt or fish on the premises of the Appalachian State Normal School without written permission. Any person so doing shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court. He may have a preliminary hearing before any justice of the peace or before the mayor of the town of Boone. The board of trustees may fix a fee for hunting or fishing upon said premises and set aside any proceeds therefrom for the loan fund.

Unlawful.

SEC. 12. Except as herein otherwise provided, the trustees of the Appalachian State Normal School shall be appointed for the term of four years each. Whenever the term of office of any member or members of the board of trustees is about to expire, or should a vacancy occur for any reason, the president shall immediately notify the Governor, the end that he may make appointments to this act.

Term of office of trustees.

SEC. 13. That all appropriations made to the Appalachian Training School for the fiscal year ending June the thirtieth, nineteen hundred and twenty-five, remaining unpaid, at the time of this act, shall be paid to the new corporation in the manner and form provided in the appropriation act of nineteen hundred and twenty-three.

Appropriations to be paid to new corporation.

SEC. 14. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

Effect of act.

SEC. 15. That this act shall be in full force and effect from and after its ratification and the organization of the board of trustees as provided herein.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 205

AN ACT TO REPEAL CHAPTER 65 OF THE PRIVATE LAWS OF THE EXTRA SESSION OF 1925, ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOPE MILLS IN CUMBERLAND COUNTY, RATIFIED DECEMBER 15, 1921.

The General Assembly of North Carolina do enact:

Chapter repealed.

SECTION 1. That chapter 65 of the Private Laws of the extra session of nineteen hundred and twenty-one entitled "An act to amend the charter of the town of Hope Mills in Cumberland County," ratified the fifteenth day of December, nineteen hundred and twenty-one, be and the same is hereby repealed.

SEC. 2. That this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 206

AN ACT TO INCORPORATE THE TOWN OF GRAINGERS.

The General Assembly of North Carolina do enact:

Town of Graingers.

SECTION 1. That the town of Graingers in the county of Lenoir be and the same is hereby incorporated by the name of "town of Graingers" and it shall be subject to all the provisions of the law now existing in reference to incorporated towns.

Corporate limits.

Boundaries.

SEC. 2. The corporate limits of said town shall be eight acres of land on the east side of the Atlantic Coast Line Railroad running from Kinston to Weldon, formerly Alex Hooten land and ten acres on the west side of the railroad, formerly J. W. Grainger land, being the eighteen acres which was plotted by the railroad into lots and streets, which plat is of record in the register of deeds office of Lenoir County.

Officers.

SEC. 3. That the officers of said corporation shall consist of a mayor and three aldermen and such other officers as the

- town commissioners shall elect, and the following named persons shall fill the offices of mayor and town commissioners from their qualification until the first Monday in May, one thousand nine hundred and twenty-five, and until their successors are elected and qualified: For mayor, G. C. Buck; for commissioners, W. P. Strickland, J. D. McArthur and R. D. Jones.
- SEC. 4. That an election shall be held in the said town on the first Saturday in May, one thousand nine hundred and twenty-five, and biennially thereafter for a mayor and three commissioners of said town under the laws of North Carolina regulating elections in towns and cities.
- SEC. 5. That the mayor and commissioners shall form a council and make, publish and enforce ordinances for the government of said town not inconsistent with the Constitution and laws of North Carolina.
- SEC. 6. That the officers provided for by this act shall qualify within thirty days after its ratification before a justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.
- 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 force from and after its ratification.
- Ratified this the 10th day of March A.D. 1925.

Officers appointed.

Term expires.

Election.

General election law.

Publish ordinances.

Qualify within thirty days.

Conflicting laws repealed.

CHAPTER 207

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ISSUE BONDS FOR STREET IMPROVEMENT.

Whereas, it is the desire of the town of Plymouth in Washington County, North Carolina, to pave certain streets of the said town and otherwise improve said streets; and whereas, it is necessary that funds be provided by the creating of a debt of the said town for said purposes:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. The mayor and board of town councilmen of the town of Plymouth in Washington County, North Carolina, are hereby authorized to issue and sell bonds of the said town to an aggregate principal amount not exceeding three hundred thousand dollars for the purpose of paving and otherwise improving the streets and sidewalks of the said town. Such bonds shall be in the denomination of one thousand dollars

Bonds, sale of.

\$300,000.

Paving and improving streets.

Bonds;
denominations.
Form and tenor.
Interest.

Date to run.

Signatures.

Tax levied to
pay bonds and
interest.

Powers
conferred.

Additional
powers.

each, and shall be in such form and tenor, and shall bear such rate of interest not exceeding six per cent and run for such time or times not exceeding forty years from their date, and be sold in such manner and on such terms as the said mayor and board of councilmen of the said town may determine, and shall be signed by the mayor of the said town and the town clerk.

SEC. 2. In order to pay the interest on the said bonds and to create a sinking fund to pay them at maturity the said board of councilmen of the said town shall annually at the time of levying other taxes levy a sufficient special tax on all the taxable property in the said town.

SEC. 3. The powers hereby conferred are additional to any other powers conferred by and are not affected by any limitations imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.

SEC. 4. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 208

AN ACT TO AMEND CHAPTER 82 OF THE PRIVATE LAWS OF 1899, BEING AN ACT TO INCORPORATE THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-five of chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine, and all acts amendatory thereof, be amended so as to read as follows:

“Sec. 45. The board of aldermen shall have power to annually levy and cause to be collected a tax on all trades, occupations, professions and franchises carried on or enjoyed within the city; and may provide for ordinances for the listing and collection of such taxes.”

SEC. 2. That all laws and clauses of laws in conflict with the act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

Tax on trades
and professions.

Franchises.

CHAPTER 209

AN ACT TO PROVIDE FOR THE ISSUANCE OF SHORT TIME NOTES OR BONDS OF THE TOWN OF BENSON, NORTH CAROLINA.

Whereas, in making the improvements in the town of Benson, North Carolina, in the way of paving streets and extending the water and sewerage system for the purpose of taking care of the street paving area, certain unforeseen expense was incurred by the town of Benson, North Carolina, including the grading of streets not paved and the installation of culverts outside of the paving area; and

Preamble.

Whereas, in order to take care of the necessary machinery for the upkeep of the town of Benson, North Carolina, and the business administrations of said town, and for the purpose of providing a suitable prison for said town which will come up to the requirements of the State Board of Health and the State Board of Welfare, it is necessary to incur some additional expenses: Now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners and the mayor of the town of Benson, North Carolina, or their successors in office, are hereby authorized and empowered to issue and execute short time bonds or notes of the town of Benson, North Carolina, or renew any notes or bonds of the town of Benson, North Carolina, in such denominations and amounts, and maturing at such time or times within a period of five years from the ratification of this act, as the board shall deem necessary, or to renew any of said notes or bonds executed which shall mature within a period of not exceeding five years: *Provided*, that this act shall not authorize an outstanding indebtedness against the town of Benson, North Carolina, of more than fifty thousand dollars over and above the present outstanding indebtedness of said town: that said bonds or notes shall be signed by the mayor and attested by the secretary of said board; that said bonds or notes when issued, or any part of them, shall constitute a general binding obligation of the town of Benson, North Carolina, and the proceeds derived from the sale of any of said bonds or notes may be used for the funding of any of the present indebtedness of the town of Benson, North Carolina, except the payment of the present outstanding bonds of the town of Benson, North Carolina, or may be used for the construction or erection of a municipal building for the town of Benson, North Carolina.

Short time notes or bonds authorized.

Maturity date.

Renew notes.

Outstanding indebtedness.

Notes executed.

General obligations.

Proceeds fund present indebtedness.

Municipal building.

SEC. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 210

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO APPOINT A CITY LAKE FISHING COMMISSION AND TO DELEGATE TO IT CERTAIN POWERS.

The General Assembly of North Carolina do enact:

City lake fishing commission appointed.

SECTION 1. The city council of the city of Greensboro is hereby authorized to appoint a commission to be known as the "City lake fishing commission," to consist of five members who may hold office for two years, subject to removal at any time by the council.

Duties.

SEC. 2. The city council may in its discretion delegate to the commission the following powers:

(a) To stock the city lake with fish.

Rules and regulations.

(b) To prescribe written rules and regulations under which fishing and boating may be permitted.

Wardens.

(c) To employ wardens to enforce the said rules and regulations.

Operation of boats.

(d) To permit, prohibit and regulate the operation of boats on the said lake for the purpose of fishing.

(e) To fix a charge for fishing permits.

Regulate size and kind of fish.

(f) To regulate the size, kind and number of fish that may be taken from said lake and to adopt open and closed seasons for the taking of fish.

Open and closed season.

(g) To fix a charge for boating permits and for the rental of fishing tackle and the sale of bait.

Charge for boating permits.

Moneys collected.

SEC. 3. The city council may provide that all money collected from the sale of permits for fishing and from the sale of boat permits and from 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 lake and the salaries of wardens, and that such money shall be expended as may be recommended by the commission.

Disbursement.

Violation of rules.

SEC. 4. The violations of any rule or regulation adopted by the said commission in the exercise of any powers that may be conferred upon it by the city council, as provided in section two of this act, shall be a misdemeanor.

Penalty.

SEC. 5. All rules, regulations and acts of the commission are subject to the supervision and control of the city council and may be modified or repealed at any time by the council.

SEC. 6. This act shall take effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 211

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of commissioners of the town of Siler City adopted on the seventeenth of February, one thousand nine hundred and twenty-five, authorizing fifty thousand dollars water and sewer systems bonds of the town of Siler City and providing for a special tax, are hereby validated, and the said bonds may be issued and sold in such manner as the board of commissioners may determine, and special tax be levied and collected accordingly, notwithstanding any irregularity in the proceedings authorizing and selling said bonds, or the price for which they are sold.

Bonds
validated.

Tax levied and
collected.

SEC. 2. All bonds heretofore issued by the town of Siler City are hereby validated, notwithstanding the amount of the bonds or the price for which they were sold.

All bonds issued
by Siler City
validated.

SEC. 3. This act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 212

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter two hundred and nine of the Private Laws of nineteen hundred and seven entitled "An act to revise and consolidate the charter of the town of Rocky Mount to be hereafter known as the city of Rocky Mount," shall be and the same is hereby amended by adding at the end of said section the following sentence: "Each

Amendment.

Compensation
of aldermen.

alderman shall receive as compensation for his services the sum of five dollars for each regular meeting attended."

Conflicting
laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after May first, nineteen hundred and twenty-five.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 213

AN ACT TO AMEND CHAPTER 119, PRIVATE LAWS OF NORTH CAROLINA, 1905, TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That chapter one hundred and nineteen, Private Laws of North Carolina, one thousand nine hundred and five, entitled "To establish a graded school in the town of Louisburg," be and the same is hereby amended by adding after "North Carolina," in last line of section two, the following: "*Provided further*, that when a vacancy occurs in the board of trustees by death or resignation the remaining trustees shall fill such vacancy or vacancies."

Vacancy to be
filled by
remaining
members of
board of
trustees.

SEC. 2. That this act shall be in force from and after its ratification.

Effective.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 214

AN ACT TO AMEND SECTION 32 OF CHAPTER 186 OF THE PRIVATE LAWS OF 1911, RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Increasing
salary of
commissioners
of Selma from
\$50 to \$100.

SECTION 1. That section thirty-two of chapter one hundred and eighty-six of the Private Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out, in line four of said section, the word "thirty" and by inserting in lieu thereof the words "one hundred."

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 force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 215

AN ACT FOR STREET AND SIDEWALK PAVING IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the city of Goldsboro shall have the power and it is hereby authorized, without any petition so to do, to pave from time to time such streets and such sidewalks in the city of Goldsboro as, in its discretion, it may deem necessary, and assess the total cost (except the cost of street intersections) of such paving against the abutting land in proportion to the respective frontage of such abutting land. Such street paving shall include the grading, regrading, paving, repaving, macadamizing and remacadamizing of public streets and alleys, and the construction, reconstruction and altering of curbs, gutters and drains in public streets and alleys the entire cost of all of which shall be included in the total cost to be assessed. Such sidewalk paving shall include the grading, construction, reconstruction and altering of sidewalks in public streets or alleys, and may include curbing and gutters, the entire cost of all of which shall be included in the total cost to be assessed.

"Frontage" means that side or limit of the lot or parcel of land which abuts directly on the street or sidewalk pavement.

SEC. 2. Before doing any such paving the board of aldermen shall pass a resolution determining to make such paving and shall cause the same to be published in some newspaper published in the city of Goldsboro at least one time within fifteen days after its passage and before the city lets the contract for any such paving. Such resolution shall designate by general description the paving to be made and the street or streets, sidewalk or sidewalks, where the work is to be done and the proportion of the cost thereof to be assessed upon abutting lands and the terms and manner of payment.

SEC. 3. The board of aldermen of the city is authorized to divide all such assessments in ten equal annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation of the assessment roll, the interest payable annually, one installment to become due each year

Board of aldermen authorized to pave streets.

Assess abutting landowners with cost.

Cost defined.

Frontage defined.

Resolution relative to paving passed.

To designate by description.

Assessment to be paid in ten equal installments.

at the time city taxes are due until all ten installments and interest are paid. In the event any installment or interest is not paid when due all installments and interest shall become immediately due and payable, and the tax collector of said city is fully authorized and empowered to advertise and sell the property against which such installments lie; such advertisement and sale to be conducted on the same manner as said tax collector is authorized to advertise and sell real property for the nonpayment of taxes. The property owner shall have the right to pay assessments and accrued interest in advance before their maturities.

Enforced by
tax collector.

Total cost
ascertained.

Assessments
entered.

Assessment
roll deposited
in clerk's office.

Allegations and
objections heard.

Assessment roll
corrected.

Final report
confirmed.

Assessments
superior.

SEC. 4. Upon the completion of any local improvement the board of aldermen of said city shall compute and ascertain the total cost thereof. The board of aldermen of said city must thereupon make an assessment of said total cost pursuant to the provisions of section one of this act, and for that purpose must make out an assessment roll in which must be entered the names of the persons assessed as far as they can ascertain the same, and the amount assessed against them, respectively, with a brief description of the lots or parcels of land assessed. Immediately after such assessment roll has been completed, the board of aldermen of said city shall cause it to be deposited in the office of the clerk of the municipality for inspection by parties interested, and shall cause to be published a notice of the completion of the assessment roll, setting forth a description in general terms of the local improvement, and the time fixed for the meeting of the governing body for the hearing of allegations and objections in respect of the special assessment, such meeting not to be earlier than ten days from the first publication or posting of said notice. Any number of assessment rolls may be included in one notice. At the time so appointed, or at some other time to which it may adjourn for that purpose, the board of aldermen, or a committee thereof, must hear the allegations and objections of all persons interested who appear and may make proof in relation thereto. The board of aldermen may thereupon correct such assessment roll, and either confirm the same or may set it aside, and provide for a new assessment. Whenever the board of aldermen shall confirm an assessment for a local improvement the clerk of the municipality shall enter on the minutes of the governing body the date, hour, and minutes of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on all the real property against which the same are assessed, superior to all other liens and encumbrances. After the roll is confirmed a copy

of the same must be delivered to the tax collector or other officer charged with the duty of collecting taxes. If a person assessed is dissatisfied with the amount of the said charge he may give notice within ten days after such confirmation that he takes an appeal to the next term of the Superior Court of the county in which said municipality is located, and shall within five days thereafter, serve a statement of the facts upon which he bases his appeal, but said appeal shall not delay or stop the said improvement. The said appeal shall at said term of court be tried as other actions at law. The board of aldermen may correct, cancel or remit any assessment for a local improvement, and may remit, cancel or adjust the interest or penalties on any such assessment. The board of aldermen has the power, when in its judgment there is any irregularity, omission, error of lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon make a reassessment.

Copy of assessment roll delivered to tax collector.

Exceptions filed.

Appeal to Superior Court.

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.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 216

AN ACT TO AMEND CHAPTER 343, PRIVATE LAWS OF 1907, AND OTHER SUPPLEMENTARY ACTS RELATING TO THE CHARTER OF THE TOWN OF LUMBERTON.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-three of the Private Laws of one thousand nine hundred and seven be amended as follows:

Amendment.

(a) By inserting between the word "new" and the word "street," in line two of section forty-eight, the following "side-walk, alley," and by inserting between the word "any" and the word "street," in line five of said section forty-eight, the following "sidewalks, alleys"; and by inserting between the word "thereby," in line seven of said section forty-eight, and the word "in," in line eight of said section, the following: "The board of commissioners shall likewise have full power and authority to lay out and condemn rights-of-way for power lines or light lines or lines for both power and light, under

Commissioner to condemn rights-of-way for power and light lines.

the same rules and regulations herein provided for the condemnation of streets, sidewalks, etc.; and all the provisions with respect to laying out, condemning, and determining the compensation for streets, sidewalks, and alleys shall be applicable to the laying out and condemning of such power and light lines."

(b) That section sixty-four be amended by striking out all of said section after the word "court," in line seven thereof, and by inserting four new sections between section sixty-four and section sixty-five, which shall be denominated sections 64-a, 64-b, 64-c, and 64-d, as follows:

Removal
of bodies.

"64-a. It shall be the duty of the commissioners of said town within ninety days after the ratification of this act to remove all the bodies now buried in said cemetery and to reinter said remains in Meadow Brook Cemetery. Ten days notice of said intended removal and reinterment shall be given to the nearest known relative of such deceased persons residing in Robeson County, if any such known relative survive, and such relative may within the ten day period provided, if he or she so desire, personally direct the removal and reinterment of the remains of the deceased person to whom he or she may be related. If no relative appears and requests permission to remove and reinter the remains of said deceased persons within the ten days named in said notice, then the removal and reinterment shall be done under the direction of the commissioners of said town. All monuments, slabs, or other markers heretofore erected and remaining at said graves shall be reerected at the new burial place. Burial lots in Meadow Brook Cemetery shall be provided by said town without charge and the cost of removing and reintering the remains of said deceased persons shall be paid out of the general fund of the town of Lumberton."

Notice
to be given.

May personally
direct removal
and reinterment.

Commissioners
to erect all
monuments,
slabs and
markers
heretofore
erected.

To be paid out
of general fund.

Old cemetery
converted into
public park.

"64-b. That upon removal of the remains of all deceased persons from the cemetery located near the Seaboard Air Line Railway Station as herein directed, said cemetery shall be converted into a public park, public playground, or such other public use as may be determined by the commissioners of said town."

Certain acts
repealed.

"64-c. That sections four thousand three hundred and twenty, four thousand three hundred and twenty-one and four thousand three hundred and twenty-two of the Consolidated Statutes, together with any other act prohibiting the removal of dead bodies from cemeteries, as far as the said acts relate to the removal of dead bodies from the cemetery referred to in this act, be, and the same are hereby repealed."

“64-d. That willful failure or refusal by the commissioners of the town of Lumberton to comply with the provisions of this act shall be deemed a misdemeanor, and upon conviction of such willful failure or refusal to remove such dead bodies, they shall pay a fine of fifty dollars (\$50).”

Failure to comply with provisions of act misdemeanor; fine \$50.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 217

AN ACT TO VALIDATE CERTAIN ACTS OF THE CITY COUNCIL OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all acts heretofore done and steps taken by the city of Thomasville in the paving of the streets of the city of Thomasville and the assessments levied therefor are hereby in all respects approved and validated.

Street assessments 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 be in full force and effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 218

AN ACT TO AUTHORIZE THE TOWN OF MORGANTON TO REDUCE ASSESSMENTS ON STREET PAVING.

Whereas, the town of Morganton in the county of Burke has during the years one thousand nine hundred and twenty-three (1923) and one thousand nine hundred and twenty-four (1924) under the orders of its duly constituted officials acting for and in its behalf begun and completed certain thoroughfare paving and improvements of the streets of said town, and under and in pursuance of the orders of the said officials and an election duly held under which said work was done, has levied and assessed against the real estate of the abutting owners on each side of the streets so improved, one-fourth

Preamble.

($\frac{1}{4}$) of the cost of such improvements and paving instead of one-eighth ($\frac{1}{8}$) of the costs thereof as has heretofore been done; and

Whereas, said assessments are by many of the citizens of the said town deemed excessive; and

Whereas, the authorities of the said town are advised that they have no right, power or authority to change, lessen or reduce the said assessment so made: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Morganton in the county of Burke and its officials, the board of aldermen, town council and mayor, acting for and in its behalf, or the successor of such officers, be and they are hereby authorized and empowered to change, lessen or reduce all assessments made for street pavement and improvement ordered, begun or completed in said town during the years one thousand nine hundred and twenty-three (1923) and one thousand nine hundred and twenty-four (1924) and fix said assessment against the real property of the abutting owners on each side of the street so improved, at such sum as it or they may deem fair and just.

SEC. 2. That no official of the said town of Morganton shall incur any liability, financial or otherwise or be called in question for or on account of his action under or pursuant to the authority hereby conferred.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 219

AN ACT TO AMEND CHAPTER 186 OF THE PRIVATE LAWS OF 1899, PERTAINING TO THE CHARTER OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-six of the Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, be amended and the same is hereby amended by adding at the end of said chapter, and any amendments thereto, the following words, to wit: "That all streets as now laid off and all sidewalks as now laid off, and paved within the city limits of the city of Salisbury, shall be and remain the streets and sidewalks of said city, and said pave-

Assessments
reduced.

No official to
incur
liability, etc.

Amendment,
streets and
sidewalks to
remain as now
laid off.

ments shall constitute the true and correct boundary lines of the same."

SEC. 2. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 3. That this act shall be in full force and effect from and after its ratification.

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 220

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOONE, WATAUGA COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor shall be entitled for his said services as said mayor a sum not to exceed one hundred and fifty dollars (\$150) per year; and that the aldermen of the said town shall be entitled to receive a sum not exceeding twenty-five dollars (\$25) each per annum for his said services as alderman for the said town of Boone. The aldermen and mayor shall fix their salaries annually not to exceed the afore-said amounts.

Compensation
mayor;
aldermen.

SEC. 2. That all costs that shall accrue in the mayor's court and collected by the officers of said town of Boone shall be turned into the treasury of the said town to be used for any purposes that the aldermen and mayor shall see fit to direct it to be used for.

Costs in
mayor's court.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting
laws repealed.

SEC. 4. That this act shall be in force from and after the first day of May, nineteen hundred twenty-five.

Ratified this the 4th day of March, A.D. 1925.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE.
RALEIGH, April 1, 1925.

I, W. N. EVERETT, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

W. N. Everett
Secretary of State.

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