

CHAPTER 98

AN ACT TO CREATE THE CROSS CREEK CEMETERY COMMISSION, TO PROVIDE FOR THE MAINTENANCE OF A CEMETERY IN THE CITY OF FAYETTEVILLE, AND TO AMEND CHAPTER 30, PRIVATE LAWS 1873-'74.

The General Assembly of North Carolina do enact:

SECTION 1. That Robert C. Jones, Thomas J. Purdie, James D. McNeill, Fulton R. Hall, Edward J. Monaghan, Charles G. Rose, and Robert W. Herring of the city of Fayetteville, and their successors in office, be and they are hereby created a corporation Incorporation. and body politic under the name and style of the "Cross Creek Corporate name. Cemetery Commission," and as such shall possess all the rights, Corporate powers privileges, and powers granted under the general corporation laws of the State and any amendments thereto.

SEC. 2. That the objects of said corporation shall be to provide Objects of corporation. for, maintain, and control suitable burial grounds for the white race of the city of Fayetteville; and to this end it is authorized and empowered to take by deed, will, or otherwise, any real and personal property, and to hold and use the same for such purpose; and to pass and enforce reasonable rules, regulations, and by-laws as from time to time may be deemed necessary and proper to maintain such property in good and improved condition, and to protect and preserve the same from injury and trespass.

SEC. 3. That said commission shall elect a chairman and a Organization. secretary and treasurer, the former from among its membership, who shall hold office for one year or until their successors are elected and qualified. That no member of said commission shall receive any compensation. The secretary and treasurer shall give bond for the faithful and honest performance of his duties, and the commission may allow him a reasonable sum for his services.

SEC. 4. That the term of office of the aforesaid commissioners shall expire on the second Monday in May, as follows, to wit: Robert G. Jones and Thomas J. Purdie, in nineteen hundred and seventeen; Robert W. Herring, in nineteen hundred and eighteen; Fulton R. Hall, in nineteen hundred and nineteen; Charles G. Rose, in nineteen hundred and twenty; James D. McNeill, in nineteen hundred and twenty-one; and Edward J. Monaghan, in nineteen hundred and twenty-two. The aforesaid commission Terms of office. shall have full power and authority, by the passage of proper Election and rules and by-laws, to provide for the terms of office of their successors in office, but in no case shall any such term be for less than one year, except when vacancies are filled, and also the manner of election or appointment of such successors.

Protection and
policing of ceme-
teries.

Ordinances of
city.

Entry on lots
for improvement.

Subscriptions and
assessments.

Control of cem-
eteries.

Transfer author-
ized.

Company dis-
solved.

Conveyance from
city.

SEC. 5. That said commission, by and with the approval of the board of aldermen or other lawmaking power of the city of Fayetteville, is fully authorized and empowered to pass any and all rules, regulations, and by-laws for the proper protection and policing of the white cemeteries in said city, or near thereto, which may be hereafter placed under the care or control of said commission; and when so approved, such rules, regulations, and by-laws shall have the force and effect of ordinances of said city, and shall be enforceable as such by the courts of competent jurisdiction.

SEC. 6. That in order to keep up and properly maintain the cemeteries placed under its care, the said commission shall have full power and authority, by and through duly appointed agents, and from time to time, to go upon the lots of any of the lot owners in such cemeteries and make any and all such improvements in and upon the same as said commission shall deem necessary or proper to the beauty of the symmetry thereof.

SEC. 7. That the said commission shall have the power and authority to take subscriptions or levy reasonable assessments upon the owner of lots in the cemeteries under the care and control of said commission as may be necessary or proper from time to time in order to carry out the purposes of the commission; and upon the failure or refusal of any such lot owner to pay any subscriptions or assessments so taken or levied, the same may be collected by the commission by suit in any court of competent jurisdiction.

SEC. 8. That said commission shall have full and exclusive power and control over all cemeteries for the burial of white persons of the city of Fayetteville, and all matters and things therewith connected, and of all property thereto belonging, and not inconsistent with the laws of North Carolina.

SEC. 9. That the Cross Creek Cemetery Company, a private corporation created by chapter thirty of the Private Laws of one thousand eight hundred and seventy-three, seventy-four, shall have full power and authority to sell, transfer, and assign to the Cross Creek Cemetery Commission any and all right, title, and interest which it has or may hereafter have in and to any cemetery property located in the city of Fayetteville; and when such conveyance is executed said Cross Creek Cemetery Company shall thereupon be dissolved and all of its rights, powers, duties, and liabilities shall pass to and be exercised by said Cross Creek Cemetery Commission: *Provided*, the same are not inconsistent with this act.

SEC. 10. That the city of Fayetteville be and it is hereby authorized and empowered to convey to said commission by deed or otherwise any and all right, title, and interest which it may now or hereafter have in any cemetery property located in or

near the city of Fayetteville, and such conveyance may be executed by the mayor and city clerk, upon due authority granted by the board of aldermen of said city.

SEC. 11. That the property of said commission and the interest of each lot owner in said cemeteries under its care shall be exempt from execution or attachment and shall not be subject to the payment of any taxes whatever, except that the commission may levy and collect reasonable assessments from the lot owners as hereinbefore provided for. No streets, lanes, roads or alleys shall at any time be made or established over the lands held by said commission, or any part thereof, without its written consent, except those laid out or established by the commission, nor shall any part of the same be condemned or taken in any manner for any public use without its written consent.

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

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 99

AN ACT TO AMEND THE LAWS RELATING TO THE SCHOOL AT HOPE MILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory described in section one of chapter one hundred and sixty-eight of the Private Laws of North Carolina of one thousand nine hundred and three, embracing what is now known as "The Hope Mills Graded School District," be and it is hereby declared a public school district for white and colored children, which shall be under the jurisdiction and subject to the control of the State Board of Education and the board of education of Cumberland County, and subject to the laws and regulations of said boards, and shall be known as one of the public school districts of Cumberland County.

SEC. 2. That the board of graded school trustees as provided in section nine of chapter one hundred and sixty-eight, Private Laws of one thousand nine hundred and three, be and the same is hereby abolished.

SEC. 3. That D. C. Rogers, J. C. Gilbert, G. W. Singletary, W. H. Bullard, and J. A. Bynum be and they are hereby appointed and constituted the public school committee for the public school district created by section one of this act; and said school committee shall serve, exercising the duties and powers of other public school committees of Cumberland County, until the regular time for appointment of public school committees for said county,

Appointment of successors.

when the county board of education of said county shall appoint five committeemen as their successors, appointing one to serve one year, one two years, one three years, one four years and one five years. Thereafter at each time for the appointment of public school committeemen the county board of education shall appoint one committeeman to serve for a term of five years.

Law repealed.

SEC. 4. That section ten of chapter one hundred and sixty-eight of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

Title to property vested.

SEC. 5. That the title to all of the school property in the school district created by this act be and the same is hereby vested in the board of education of Cumberland County.

Bonds declared valid.

SEC. 6. That the bonds heretofore issued by the board of trustees of the Hope Mills Graded School District under authority of chapter one hundred and sixty-eight, Private Laws of one thousand nine hundred and three, be and they are hereby declared a valid indebtedness against the school district herein created, and the county board of education of Cumberland County, and their successors, are hereby appointed and constituted commissioners of the sinking fund to provide for the payment of the said bonds at maturity, and are required to set apart each year, out of the moneys belonging to said school district, such amount as the trustees of the Hope Mills Graded School District have heretofore set apart annually for such sinking fund, and to invest the same for that purpose in first-mortgage real estate securities.

Special tax.

SEC. 7. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the public school provided for in this act, the said school committeemen of said district shall annually and at the time of levying the county taxes, commencing with the fiscal year in one thousand nine hundred and seventeen, levy and lay a particular tax, under the authority of an election heretofore held under the provisions of chapter one hundred and sixty-eight of the Private Laws of one thousand nine hundred and three, on all persons and property subject to taxation within the limits of said public school district, as in the judgment of the district committee and of the county board of education may be necessary, said special tax not to exceed thirty-three and one-third cents ($33\frac{1}{3}$) on the one hundred dollars (\$100) assessed valuation of property and not more than one dollar (\$1) on each taxable poll, and said special tax shall be collected in the manner prescribed for the collection of other taxes. All moneys levied under the provisions of this section shall upon collection be placed by the treasurer of the county school fund to the credit of the school committeemen of said district, and shall be expended exclusively by said committee in establishing and maintaining schools in said district, for the white race and the colored race, under such rules and

Limit of rate.

Exclusive expenditure of tax.

regulations as to its conduct and such courses of study as shall be prescribed by the State Superintendent of Public Instruction.

SEC. 8. That the board of trustees of the Hope Mills Graded School District as at present constituted shall pay over and deliver all moneys and school funds, books, papers, and records now in their possession to the public school committee for said district named in this act. Delivery of money and papers.

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

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

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 100

AN ACT TO REPEAL CERTAIN SECTIONS OF CHAPTER 228 OF THE PRIVATE LAWS OF 1915, RELATING TO THE CHARTER OF THE TOWN OF WARSAW, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all of sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, of chapter two hundred and twenty-eight of the Private Laws of the State of North Carolina at its session of one thousand nine hundred and fifteen be and the same is hereby repealed.

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

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

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 101

AN ACT TO REPEAL AN ACT TO INCORPORATE THE TOWN OF RIPLEY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-nine of the Private Acts of the General Assembly, session of one thousand nine hundred and nine, entitled "An act to incorporate the town of Ripley," is hereby repealed; and all the territory within the boundaries set forth in said chapter ninety-nine of said Private Acts of said Hendersonville. Boundaries of Hendersonville.

session of one thousand nine hundred and nine which comes within the area prescribed by section one of chapter three hundred and fifty-two of the Private Laws of North Carolina, session one thousand nine hundred and thirteen, as the corporate limits of the city of Hendersonville, is hereby reincorporated in the boundaries of the city of Hendersonville.

Repealing clause. 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 effect from and after its ratification.

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 102

AN ACT TO AUTHORIZE THE TOWN OF MOUNT AIRY TO FUND AND REFUND ITS OUTSTANDING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of funding and of refunding the outstanding indebtedness of the town of Mount Airy, the board of commissioners of said town are authorized and empowered to issue coupon bonds, payable at such times and with such rates of interest, not exceeding five and one-half per cent, as the board may determine, and in such denominations as the said board may decide.

Interest.

Denominations.

Sale of bonds.

Sale below par forbidden.

New debt not authorized.

Special tax.

Authentication.

SEC. 2. That the board of commissioners of the town of Mount Airy shall sell said bonds at public sale, after notice of at least twenty days in some newspaper published in Surry County, North Carolina, and elsewhere as the board may deem proper; but said bonds shall not be sold for less than par.

SEC. 3. That this act shall not authorize the creation of any new indebtedness, but shall be authority to the said board of commissioners of the town of Mount Airy to issue its bonds as aforesaid, sell the same for the purpose of funding or refunding any outstanding indebtedness, whether now represented by former bond issues or otherwise evidenced, and the board of commissioners of the town of Mount Airy is authorized and empowered to levy annually on all property in the town of Mount Airy and on all polls a tax sufficient to pay the interest on said bonds and to provide a sinking fund sufficient to pay off said bonds at maturity.

SEC. 4. That said bonds, when signed by the mayor of the town of Mount Airy, attested by the secretary and treasurer or the clerk of the board of commissioners, and sealed with the corporate seal of the town of Mount Airy, shall be a valid and binding obligation upon the said town.

SEC. 5. That this act shall be construed as an enabling act and Construction of
in addition to other powers and authority now exercised by the act.
said town of Mount Airy.

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

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 103

AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS TO FUND ITS INDEBTEDNESS AND TO IMPROVE ITS STREETS.

Whereas the town of Marion has heretofore contracted indebtedness to meet the necessary expenses of the town in repairing its water line which was destroyed by the disastrous floods in July of last year in the sum of, approximately, twenty thousand dollars (\$20,000); and whereas it will require the sum of approximately, five thousand dollars (\$5,000) to make further necessary repairs upon its water line and reservoir destroyed as aforesaid; and whereas the said town desires to make necessary improvements to its streets by hard-surfacing with concrete, macadam, bitulithic, or other hard substance, in an amount approximating twenty thousand dollars (\$20,000); and whereas the said town desires to issue bonds in a sufficient amount to pay said indebtedness, to make further necessary repairs upon its water line and reservoir, and to make necessary improvements on its streets, not to exceed the sum of forty-five thousand dollars (\$45,000); and whereas the tax levy provided for and limited by law is insufficient to provide a sum with which to pay said indebtedness and to make the necessary repairs to its water line, reservoir, and to improve the streets of said town: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying said indebtedness and making necessary repairs to its water line and reservoir for the storage of water, the board of aldermen of the town of Marion are hereby authorized and empowered to issue bonds in an amount not to exceed twenty-five thousand dollars (\$25,000); that for the purpose of improving the streets of the said town the said board of aldermen are hereby authorized and empowered to issue bonds in an amount not to exceed twenty thousand dollars (\$20,000), at such time or times and in such amount or amounts as may be deemed expedient by said board; said bonds shall be in denominations of five hundred dollars (\$500) each, bearing interest from the date thereof at a rate not exceeding six percent per annum.

Maturity.

per centum 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 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 said bond was issued to pay the indebtedness of said town of Marion for the necessary expenses and repairs of its water line and reservoir, or for the necessary expense of improvement of its streets; that the said board of aldermen may, in its discretion, issue the bonds herein authorized for street improvement in such amount and at such time or times as it may deem expedient and for the best interest of the said town.

Sale below par forbidden.

Particular tax.

SEC. 2. That none of the bonds provided for in the above section shall be disposed of, either by sale, exchange, hypothecation, or otherwise, for a less price than par value.

Limit of rate.

SEC. 3. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds herein authorized, the board of aldermen of said town shall, annually, and at the time of levying other town taxes, levy and lay a particular tax upon all persons and subjects of taxation on which said board of aldermen are now or may hereafter be authorized to lay and levy taxes for any purpose whatever, said particular tax not to exceed thirty-five cents on one hundred dollars assessed valuation of property. The tax provided for in this section shall be collected in the manner and at the time other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively for the purpose for which they are levied and collected.

Collection.

Tax kept separately.
Exclusive application.

Repealing clause.

SEC. 4. That all laws and clauses of laws in conflict and inconsistent 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 January, A. D. 1917.

CHAPTER 104

AN ACT TO RE-ENACT CHAPTER 202 OF THE PRIVATE LAWS OF 1915, THE SAME BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Law reenacted.

SECTION 1. That chapter two hundred and two (202) of the Private Laws of North Carolina session of nineteen hundred and fifteen, be and it is hereby reenacted except as the same is amended hereby.

SEC. 2. That said chapter two hundred and two, Private Laws of North Carolina, be and it is hereby amended as follows:

(a) By striking out the words "out of its general fund" and "out of its general funds" out of the two first provisos of section two of article one of said act.

(b) By striking out section five of article one of said act. Limit of work.

(c) By striking out all of the first proviso on page five hundred and twenty-seven of the printed act after the word "privilege" in the eighth line from the top of said printed page, and inserting in lieu thereof the following: "of paying said assessment to the town of Lenoir in five equal annual installments with interest on each of said installments from the date of the assessment until the time of the payment at the rate of six per cent per annum, interest due and payable annually, said installments remaining a lien on the lot or lots against which they are charged until fully paid.

(d) By striking out all of article three thereof. Requirement for election.

SEC. 3. That the provisions of section twelve, fourteen, fifteen, sixteen, and seventeen of chapter fifty-six of the Public Laws of North Carolina, session nineteen hundred and fifteen, be and they are hereby declared to be applicable to the said town of Lenoir as fully to all intents and purposes as though the said sections were set forth herein. Public law applicable.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed. Repealing clause.

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

Ratified this the 9th day of January, A. D. 1917.

CHAPTER 105

AN ACT TO REVISE THE CHARTER OF THE TOWN OF NASHVILLE.

Whereas, owing to the growth of the town of Nashville, its charter and laws governing the same, contained in numerous acts of the General Assembly enacted from time to time, is no longer suited to its needs; and whereas the governing authorities of said municipal corporation and its citizens are desirous that its powers shall be enlarged and its boundaries extended and more clearly defined: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants residing within the territory or boundaries hereinafter located and defined shall be and remain a body politic and corporate under the name and style of the

Incorporation.

and

Corporate name.

Corporate powers. "Town of Nashville," and under such name and style may adopt a corporate seal and contract and be contracted with, sue, be sued, plead and be impleaded, acquire by purchase, devise, bequest, or otherwise, such real and personal property within or without said town as may be deemed requisite and necessary for the proper government of said town or for the welfare, improvement, and convenience of its inhabitants; hold, use, improve, govern, protect and control, and, in pursuance of resolution of its board of aldermen, sell or otherwise dispose of the same and reinvest the proceeds arising therefrom, and have all other powers, rights, and privileges requisite and necessary or usually belonging or pertaining to municipal corporations.

BOUNDARIES.

Corporate limits. SEC. 2. That the corporate limits and boundaries of said town of Nashville shall be located and defined according to the map and survey made for said town of Nashville by the J. B. McCrary Company, engineers, during the year 1916, said map being recorded in the office of the register of deeds of Nash County in Book 1 of maps, at page sixty-four, said map being the same as accepted for said town of Nashville by M. W. Lincke, mayor, and Leon T. Vaughn, clerk of said town of Nashville.

CORPORATE POWERS VESTED IN MAYOR AND BOARD OF ALDERMEN.

Town government. SEC. 3. That all corporate powers and authority granted to said town of Nashville shall be vested in, exercised by, a mayor and board of aldermen. Said board of aldermen shall consist of four members. No person shall be eligible for the office of mayor who is not at the time of his election a bona fide resident and duly qualified voter of said town of Nashville; and no person shall be eligible for the office of alderman who is not at the time of his election a bona fide resident and qualified voter of said town.

Officers named. SEC. 4. That M. W. Lincke shall be mayor of said town and L. T. Vaughn, G. N. Bissette, B. G. Alford, and J. T. Strickland shall constitute the board of aldermen of said town until their successors shall be duly elected and qualified as hereinafter provided.

ELECTIONS.

Town elections. SEC. 5. That an election shall be held in said town Tuesday after the first Monday in May, nineteen hundred and seventeen, and on the Tuesday after the first Monday in May biennially thereafter. At such election, to be held as above provided, there shall be elected by the qualified voters of said town a mayor and four aldermen, who shall hold their said offices for a term of two years from the date of their election and until their successors shall be duly elected and qualified.

Election officers.

Term.

SEC. 6. That the biennial election for officers of said town herein provided for, and all other municipal elections whatsoever hereafter held in said town, shall be under the supervision and control of the board of aldermen, and shall be held under and in accordance with the provisions of chapter ninety(90) of the Revisal of one thousand nine hundred and five, with amendments thereto, in so far as the same shall not be inconsistent with this act.

Law governing elections.

MEETINGS OF BOARD OF ALDERMEN.

SEC. 7. That the board of aldermen shall meet regularly on Regular meetings. Tuesday after the first Monday in each month, and said board shall fix the hour of meeting on such days, and may by resolution change the time of such regular meetings, and may provide for such other meetings as may be deemed necessary. Special meetings. Special meetings of the board of aldermen may be called by the mayor when deemed necessary, and shall be called upon the written request of two or more aldermen, of which special meeting all aldermen shall be notified in writing or otherwise. On the Thursday next succeeding each biennial election of the mayor and aldermen as herein provided the incoming mayor and aldermen shall at the hour of eight o'clock p. m. convene at the mayor's office in said town for the purpose of the qualification of the mayor and all aldermen-elect, as herein provided, and shall proceed with the election of departmental officers and such other business as may come before said board; and said board may adjourn from day to day until said business shall be disposed of.

Installation of officers.

ELECTION AND QUALIFICATION OF OFFICERS.

SEC. 8. That at the meeting of said board of aldermen to be held on the Thursday next succeeding each biennial election of said mayor and aldermen said board shall proceed to elect from among their members a mayor *pro tem.* and a town treasurer, who shall each hold his office for the term of two years from the date of his said election and until his successor shall be duly elected and qualified; and said board shall at said meeting likewise proceed to elect a town clerk, a tax collector, a chief of police, a chief of the fire department, a superintendent of public works, a superintendent of health, and such other officers and policemen as may be deemed necessary for the proper government of said town and community; all of whom shall possess such qualifications and hold office for such term or terms as the board of aldermen shall prescribe. The board of aldermen is hereby empowered and authorized to combine the office of town clerk and tax collector, or chief of police and tax collector whenever and for so long a time as it shall be deemed advisable; and said board of aldermen is likewise authorized and empowered to

Terms.

Other appointive officers.

Power to combine offices.

To create other offices.