

PRIVATE LAWS
OF THE
STATE OF NORTH CAROLINA

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION OF 1905

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1905

PUBLISHED BY AUTHORITY

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Sec. 12. That section forty-three of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the word "two" in the first line of said section and substituting in lieu thereof the word "three": *Provided, however,* that this amendment shall not go into effect until the second Tuesday of May, one thousand nine hundred and five. Salary of aldermen.
Proviso: from second Tuesday in May.

Sec. 13. That all laws and clauses of laws inconsistent with the provisions of this act be and the same are hereby repealed. Conflicting laws repealed.

Sec. 14. That this act shall be in force and effect from and after the second Tuesday in May, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 310.

AN ACT TO AUTHORIZE THE TREASURER OF THE BOARD OF EDUCATION OF HYDE COUNTY TO PAY ANNIE BRIDGMAN, TEACHER IN WHITE SCHOOL DISTRICT, No. 1, THE SUM OF \$7.68.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the Board of Education of Hyde County be authorized to pay out of the school funds of White Public School District Number One, Swan Quarter Township in Hyde County, the sum of seven dollars and sixty-eight cents to Annie Bridgman, this being due her for teaching a public school in said township, in said district, for white race. Due for teaching school.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 311.

AN ACT TO CREATE A PUBLIC WORKS COMMISSION FOR THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the city of Fayetteville be amended as follows, viz.: That in addition to the offices already provided by the charter of the city of Fayetteville, a commission to be known as the "Public Works Commission," be and the same is hereby created, to consist of three members, who shall be elected Public Works Commission created.

and whose qualifications, duties, powers and compensation shall be as in this act provided.

Election of commissioners.

SEC. 2. That the members of said commission shall be elected by the Board of Aldermen of the City of Fayetteville of said board in June, one thousand nine hundred and five; one member to be elected for a term of three years, one for a term of two years and one for a term of one year; and their successors shall be elected for a term of three years, at the first regular meeting of said board in June of each year, as the term of each member expires. Any vacancies shall be filled by the said board for the unexpired term of the member whose office is vacant, at any regular or special meeting of said board. It shall require a vote of two-thirds of the members of said board to elect the members of said commission and their successors in office.

Terms of office.

Vacancies.

Two-thirds vote to elect.

Qualifications for commissioners.

SEC. 3. The members of said commission shall be resident freeholders and tax-payers 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. 4. Said commission shall have full charge and control, and the general supervision and management of all public utilities, including electric light plant, water-works, sewerage, market-house, and all buildings and other public property yielding revenue, other than chattels, now owned or which may hereafter be owned by said city, and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same.

Organization.

SEC. 5. The members of said commission shall meet as soon after their election as possible, and shall elect out of their number a 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.

Commission to prescribe duties.

Records to be kept.

SEC. 6. 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.

Accounts.

Receipts and disbursements.

SEC. 7. 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.

SEC. 8. That said commission shall have full charge and control and shall supervise the construction, repairing, alteration or enlargement of any public utilities or buildings or other public property now owned or which may hereafter be owned by the city of Fayetteville, which may be lawfully authorized and directed from time to time, with full power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery and other property, and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement.

Commission to have full charge of public utilities.

Power to make contracts.

SEC. 9. 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 commission, 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.

Contracts by commission.

Title to property to remain and vest in city.

Proviso: commission not to sell property.

SEC. 10. 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 this act, shall be paid over to the treasurer of said commission, who shall disburse the same as provided in this act.

Proceeds of bonds and special funds.

SEC. 11. 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.

Powers of commission in management of property.

SEC. 12. 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.

Power to fix rates and rents.

Rentings at auction.

SEC. 13. Said commission shall render a full report to the Board of Aldermen of the City of Fayetteville, not later than the second

Monthly reports.

- Report to show.** Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursements 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 indebtedness 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.
- Annual report.** SEC. 14. 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.
- Bond of chairman and secretary.** SEC. 15. 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 treasurer.**
- Salary of commission.** SEC. 16. 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.
- Books and accounts to be audited.** SEC. 17. 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.
- Pay for audit.**
- Neglect of duty a misdemeanor.** SEC. 18. 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 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 **Penalty.** punished in the discretion of the court, and shall be removed from office by the board of aldermen of said city.

SEC. 19. That all laws and parts of laws in conflict with this **Conflicting laws** act are hereby repealed. **repealed.**

SEC. 20. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 312.

AN ACT FOR THE RELIEF OF MISS MARY HUGH STEWART.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of Robeson County be and he is **To be paid for** hereby authorized and directed to pay to Miss Mary Hugh Stewart **services as school** the sum of sixty dollars (\$60) out of any school funds which may **teacher.** be in his hands or become due to school district number one (1) for the white race in Smith's Township, county of Robeson, for services rendered as a public school teacher in said school district from the fifteenth (15) day of February, one thousand nine hundred and one (1901), to the fifteenth (15) day of May, one thousand nine hundred and one (1901).

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 313.

AN ACT TO AMEND CHAPTER 36, PRIVATE LAWS OF 1876, AND TO EXTEND THE CHARTER OF THE OXFORD COLORED EDUCATIONAL ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-six (36), Private Laws of one **Charter extended.** thousand eight hundred and seventy-six, be and the same is hereby re-enacted, and that the duration of said corporation shall extend to the first day of May, one thousand nine hundred and thirty-five.

SEC. 2. That the words "one thousand eight hundred and sev- **Thirty years.** enty-seven" in lines two and three of section two of said act be stricken out, and the words "one thousand nine hundred and five" be inserted in lieu thereof.