

court in each case as a part of the costs thereof: *Provided*, that no witness shall prove attendance in more than one case nor for more than one day in the same case.

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

Ratified this the 6th day of March, A. D. 1909.

## CHAPTER 296.

### AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD OF POLICE AND FIRE COMMISSIONERS FOR THE CITY OF DURHAM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to provide for the better management of the police and fire departments of the city of Durham, a board of police and fire commissioners, to consist of three members, all of whom are to be elected at the regular municipal election to be held for the city of Durham in May, one thousand nine hundred and nine, one of said three commissioners to be elected for the term of six years, one for four years, and the other for the term of two years, and the three persons so elected shall, after qualifying as hereinafter provided for, be and constitute the board of police and fire commissioners of the city of Durham. The terms of office of said police and fire commissioners shall commence on the first Monday after the said regular municipal election of one thousand nine hundred and nine, and shall continue in office until their successors are elected and qualified.

Board of police and fire commissioners established.  
Election of commissioners.

Terms of commissioners.

Beginning of term.

SEC. 2. That the electors of the city of Durham shall, at the regular municipal election for said city to be held in May, one thousand nine hundred and eleven, and biennially thereafter, elect from the electors of said city of Durham one commissioner to succeed the commissioner whose term will expire in that year, and as the terms of the commissioners elected under this bill respectively expire the vacancies in the board thus made shall be filled by electing members for six years, whereby all will serve and hold office for six years, and one to be elected biennially in May by the electors in said city, as hereinbefore provided. If any member of the said board of police and fire commissioners shall refuse to qualify or, after qualification, shall become physically or mentally disqualified to serve, resign, cease to be a qualified voter of the city of Durham or be a candidate for any office, Federal, State or municipal (same to be found as a fact by the board of aldermen and spread upon its minutes), there shall be at once a vacancy in said board of police and fire commissioners, which vacancy shall

Election of successors.

Vacancies.

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| Candidacy for other office.   | be filled by the board of aldermen at their next regular meeting, or at a special called meeting, after such vacancy occurs; and when any member of the board of police and fire commissioners is named as an applicant or candidate for any office or a proper person to receive such office, the chairman of said board of police and fire commissioners shall, or any member of said board may, notify him, in writing, that his name is mentioned in connection with such office; and if said member so notified shall not, within ten days after receipt of said notice, file with the chairman of said board his statement, in writing, that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected or appointed, the said board of police and fire commissioners shall declare vacant his office as a member of said board, which shall be filled in the manner herein prescribed for filling vacancies otherwise created in said board. When such vacancies are filled, for any cause other than expiration of term, they shall be filled by the board of aldermen only for the unexpired term.   |
| Vacancies filled by aldermen. |   |
| Commissioners to qualify.     | SEC. 3. That each commissioner and his successors in office shall, before entering on the duties of his office, take and subscribe the following oath, to be administered by the mayor: "I swear that I will faithfully and impartially demean myself as a member of the board of police and fire commissioners of the city of Durham during my continuance in office. I have not, in order to influence my election to this office of commissioner, directly or indirectly, expressly or impliedly, promised my vote or support to any person for any office in the city of Durham nor for any other office. I will not knowingly permit my vote in the election or appointment of any person to position in the police or fire department to be influenced by fear, favor or affection, reward or hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good." The oath shall be entered on the minutes of the proceedings of the board, and the original shall be filed in the office of the city clerk. That on the first Monday after their election said commissioners shall assemble and, after taking the oath of office, organize and elect a secretary for the ensuing year, who, if said commissioners shall so desire, may be selected from among their own number. The said board of commissioners, so organized, shall be known as the board of police and fire commissioners of the city of Durham. The commissioner elected for a term of six years, and his successor in office, shall be the chairman of said board. The members of the said board shall be paid a salary of one hundred dollars per annum each, to be paid by the city of Durham in equal monthly installments. The said board shall hold regular monthly meetings on the second Monday of each month, in some room in the city of Durham designated for that purpose, at such hour as the board may determine. The chairman may and, upon written request of any one member, shall call special meetings of said board, of which due notice shall be |
| Form of oath.                 |   |
| Oath recorded and filed.      |   |
| Organization.                 |   |
| Chairman.                     |   |
| Salary of commissioners.      |   |
| Regular meetings.             |   |
| Special meetings.             |   |

given to each member not requesting such meeting. The secretary shall keep in proper books a record of the proceedings of all meetings, and shall perform such other duties as the board may require. The said board shall adopt rules and regulations for the government thereof. It shall establish, promulgate and enforce proper rules, regulations and orders for the good government of the police and fire departments, and in any investigation pertaining to their duties shall have power to compel the attendance of persons and the production of papers, and, through and by their chairman, administer oaths: *Provided*, that such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.

Records.

Rules and regulations.  
Rules for government of departments.  
Powers in investigations.

Proviso: rules not to conflict with ordinances.

SEC. 4. The police and fire departments of the city of Durham shall be under the general control and supervision of the board of police and fire commissioners herein created, and subject to the rules and regulations adopted by said board. Immediately on the election of said commissioners they shall proceed to organize the said departments, as herein described, and to assume all the duties conferred upon them by this act. Members of the police force and firemen of the city of Durham shall be appointed by said board of commissioners as vacancies occur and as herein provided. The officers and members of the police and fire departments shall be appointed to hold office at the pleasure of said board, upon good behavior, and the said officers and members of the police and fire departments, including the chief of said two departments, may be reprimanded, suspended without pay or dismissed by said board for inefficiency, for any offense against the rules of said board, malfeasance, misfeasance or nonfeasance, neglect of duty, absence without leave, or other breach of discipline, immoral conduct or conduct unbecoming an officer or rendering him in the opinion of said board unfit to act as such officer. The salaries of the chief of police and of the chief of the fire department and all other members of said two departments shall be fixed and determined by the board of aldermen of the city of Durham.

Control and supervision of police and fire departments.

Organization of departments.

Appointment of policemen and firemen.

Term of appointment.

Pains and penalties.

Salaries determined by aldermen.

SEC. 5. That the chief of police and chief of the fire department of said city shall make semimonthly a full and detailed report to the board of police and fire commissioners of the condition of their respective departments, service and conduct of the policemen and firemen, and shall each make a monthly report to the board of aldermen of the general condition of their respective departments. In the case of absence or disability of the chief of police, then a member of the police force shall be designated by the police and fire commissioners to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the chief of police.

Reports of chiefs of departments.

Substitute chief of police.

SEC. 6. That the chief of police may appoint, with the consent of the mayor, special police, whenever the exigencies of the time, in his judgment, may demand it. He may appoint or employ, with the consent of the mayor, detectives, and assign them to specific

Appointment of special policemen.  
Detectives.

Further enumeration of powers and duties. duties. He shall be the chief executive officer of the police force, and he shall be chargeable with and responsible for the discipline and efficiency of the police force and the execution of all laws and the rules and regulations of the board of police and fire commissioners. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments, from time to time, whenever in his judgment the exigencies of the service may require such change. He shall have power to suspend, without pay, pending the trial of charges, any member of the police force: *Provided, however,* that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the board of police and fire commissioners. If the suspension of any members of the police force shall not be confirmed by the said board on the charges preferred, he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspension. Said chief of police may grant leave of absence to members of the force for a period of not exceeding ten days. He shall report to the board of police and fire commissioners all changes or assignments of officers and all leaves of absence granted. He shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force and see to the execution of every ordinance.

Power to suspend officers.

Proviso: limit of suspension.

Reports to commission.

Powers and duties of chief of fire department.

SEC. 7. That the chief of fire department shall be the chief executive officer of the fire department, and shall be chargeable with and responsible for discipline and efficiency of the members of his department and of the execution of the rules and regulations of the board of police and fire commissioners; that during the absence or disability of the chief of fire department the assistant chief shall assume the duties of the chief of the fire department during such absence or disability.

SEC. 8. That all laws and parts of laws inconsistent with or repugnant to 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 6th day of March, A. D. 1909.

## CHAPTER 297.

### AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LITTLETON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Territory constituted school district.

SECTION 1. That all the territory embraced within a radius of two and one-half miles from the center of the town of Littleton which lies partly in the county of Halifax and partly in the county of Warren, incorporated under chapter two hundred and fifty-

four of the Public Laws of North Carolina of one thousand eight hundred and eighty-nine as the Littleton supplemental public schools for the white and colored races shall be and is hereby constituted a public-school district, which shall be called "Littleton Official title. Graded School."

SEC. 2. That the board of aldermen of the town of Littleton are hereby authorized and required to order an election on the first day of June, one thousand nine hundred and nine, after thirty days' notice in three public places in said territory, at which shall be submitted to the qualified voters residing in said territory the question of levying on all polls and property therein an annual special tax, not to exceed thirty cents on the hundred dollars valuation of property and ninety cents on each poll, for the support and maintenance of the public schools in said district. Election on special tax.  
Notice of election.  
Rate of tax.

SEC. 3. That the said board of aldermen shall appoint a registrar for said election and shall appoint two qualified voters residing in said district as poll holders and judges of election, who, together with said registrar, shall hold said election at the time specified, at such place or places as may be designated in the order and notices of said election within said district, and shall canvass and judicially determine the result and certify the same to the board of aldermen of the town of Littleton, to the board of county commissioners of the county of Halifax and to the board of county commissioners of the county of Warren, and these respective boards shall have the returns duly recorded among the official records of their offices, and said election shall be held in all other respects in accordance with the general provisions of the election law of the State: *Provided*, that no notice of said registration shall be required, except such as said board of aldermen may order. Appointment of election officers.  
Canvass of vote.  
Returns.  
Record of returns.  
Law governing election.  
Proviso: notice of election.

SEC. 4. At such election the voters in favor of levying and collecting said tax shall vote a ballot on which shall be written or printed "For School Tax," and those opposed shall vote a ballot on which shall be written or printed "Against School Tax." If a majority of the qualified voters shall vote "For School Tax," then all the provisions of this act shall be in full force and effect; and the county commissioners of Warren County shall annually levy and cause to be collected on all property and polls in the territory lying in Warren County the tax herein provided, and the county commissioners of Halifax County shall annually levy and cause to be collected on all property and polls in the territory lying in Halifax County the tax herein provided, in the same manner and at the same time as other taxes of the respective counties are levied and collected; and the bond of the sheriff or tax collector of each of these counties shall be responsible for said taxes collected by him to the same extent as it is liable for other taxes collected by him. Ballots.  
Levy of tax.  
Sheriffs liable on bond.