

any lands and locate and build such roads and to take and use all necessary material therefor in the manner provided by chapter sixty-one of the Revisal of one thousand nine hundred and five and amendments thereto.

Sec. 8. That this act shall be in force from and after its ratification.

Ratified this the 4th day of March, A. D. 1909.

CHAPTER 251.

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Board of police
and fire commis-
sioners estab-
lished.

Number.

Residence of
members.
Commissioners
named.

Terms of office.

Election of
successors.

SECTION 1. That the full government, management and control of the police and fire departments of the city of Wilmington shall be vested in the board of police and fire commissioners of the city of Wilmington, hereby created, and which shall consist of five qualified electors of said city, who shall serve without compensation, and no two members of said board shall be appointed or elected from the residents of the same ward in the city; that William E. Springer, R. H. Northrop, W. A. French, Jr., John Barry and R. A. Burnett and their respective successors in office are hereby constituted the board of police and fire commissioners of the city of Wilmington.

SEC. 2. That said commissioners named above shall hold office and serve for the following periods, to wit: R. A. Burnett, until the first Monday in June, one thousand nine hundred and eleven, and until his successor shall be elected or appointed and qualified; W. A. French, Jr., and John Barry, until the first Monday in June, one thousand nine hundred and thirteen, and until their respective successors shall be elected or appointed and qualified; and William E. Springer and R. H. Northrop, until the first Monday in June, one thousand nine hundred and fifteen, and until their respective successors shall be elected or appointed and qualified. At the regular municipal election to be held in said city of Wilmington in the year one thousand nine hundred and eleven, and biennially thereafter, there shall be elected of and by the qualified electors of said city one or more commissioners, under the same rules and regulations as now are or may hereafter be provided for the election of other officers of said city, to succeed the commissioner or commissioners whose term of office will expire in that year. As the terms of the commissioners appointed by this act, respectively,

expire, the vacancies in the board so caused shall be filled by electing members of said board for six years, whereby all elected members will serve and hold office for six years, and one or two, as the case may be, elected biennially, as is herein provided. In the event of a vacancy in the board, resulting from any cause whatsoever, excepting by reason of expiration of term of office, such vacancy shall be filled by election by the board for the remaining period of any such unexpired term.

Vacancies filled
by board.

SEC. 3. That the said board shall have power to appoint and at any time remove any officer or man, of whatsoever rank or grade, of the said police department or fire department, and shall recommend to the board of audit and finance the salaries and compensation to be paid all officers and men employed in or connected with said departments; and officers and men serving or employed in these departments may be by said board graded in such manner and on such basis as the board may determine, and the rate of pay or compensation may be for different grades, varied as the said board may prescribe.

Power to appoint
and remove
policemen and
firemen.
To recommend
salaries.

Grades.

SEC. 4. That the board of police and fire commissioners shall organize, equip and maintain a sufficient police force for the preservation of order, and a fire department for the extinguishment and prevention of fires in said city. It shall have the power and it shall be its duty to prescribe the terms of service, age and qualifications, mental, moral and physical, of all policemen and firemen, including the chief and other subordinates of the police department, and the chief and other subordinates of the fire department, and from time to time adopt rules and regulations for the good government of the police and fire departments of said city.

Organization and
equipment of
police and fire
departments.

Terms of service
and qualifications.

Rules and
regulations.

SEC. 5. That no person shall be eligible to be elected or appointed to any position in the police or fire department unless he shall be a qualified elector, under the provisions of the existing laws, and shall stand an approved physical and mental examination. The physical examinations shall be conducted by the city physician or by such physician of recognized standing in his profession as may be designated by the board. The mental examinations shall be conducted by such person or persons as may be designated by the board of police and fire commissioners herein provided for, and shall be limited to an examination in reading, writing and a knowledge of the city ordinances and the duties imposed by his position.

Persons eligible
as policemen or
firemen.

Physical
examinations.

Mental examina-
tions.

SEC. 6. That the board of police and fire commissioners shall elect from the members thereof its chairman, and the city clerk and treasurer shall be *ex officio* clerk of the said board. The said board shall at least once a year subject all policemen and firemen below the grade of chief of each of said departments to an examination as to their qualifications, limiting said examination to reading, writing and a knowledge of the city ordinances and the duties

Organization of
board.

Examination of
policemen and
firemen.

Matters for consideration.	imposed upon such firemen and policemen. It shall, in making said examination and the grade rating, hereinafter required, consider the length and character of service and the experience of the fireman or policeman examined. The said board shall grade the respective merits and qualifications for the respective positions of the policemen and firemen into three grades, to be designated as first, second, and third grades. No member of either department shall be graded in the first grade, whatever his qualifications, unless he shall have served at least one year in his respective department, and no person shall be graded in the second grade, whatever his qualifications, unless he shall have served in his respective department at least six months, but the service need not have been continuous; <i>Provided, also</i> , the said board may, for special service and as a reward of merit, waive the length of service hereby required. The said board shall have the power to advance or reduce the grade of any policeman or fireman.
Grades.	
Service qualifying for first grade.	
Service qualifying for second grade.	
Proviso: waiver of time.	
Powers of policemen.	SEC. 7. That the policemen of the said city shall have the power and it shall be their duty to suppress all disturbance of the quiet and good order of the city and arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings and the streets and sidewalks, and to report to the mayor all repairs needed, and to perform such other duties as may be required of them by the board of aldermen or by the chief of police, the mayor or the board of police and fire commissioners. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the mayor, who is directed to proceed against them as the law directs. They shall have power to enter the enclosure and house of any person, without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summon a posse to aid them, and all persons so summoned shall have like authority; and they shall have authority to make arrests outside of the corporate limits, within one mile therefrom.
Authority to summon aid.	
Power of entry without warrant.	
Power to summon posse.	
Payment of expenses.	SEC. 8. That all necessary expenses of the said board shall be paid by the board of audit and finance, upon vouchers signed by the chairman and attested by the clerk of said board of police and fire commissioners.
	SEC. 10. That all laws and clauses of laws in conflict with this act be and they are hereby repealed.
	SEC. 11. That this act shall be in force and effect from and after its ratification.
	Ratified this the 4th day of March, A. D. 1909.