MINUTES OF THE CALLED MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD ON MAY 23, 1941

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Pursuant to the preceeding call of the Mayor, the Board of Aldermen met in special session in the Town Hall on Friday, May 23, at 5:30 P.M. with Mayor Foushee presiding and the following Aldermen present: Messrs. P. L. Burch, R. J. M. Hobbs, G. O. Davis, and R. W. Madry. Also present were C. P. Hinshaw and E. E. Peacock.

Subject: Use of Office by Court room by the Prosecuting Attorney.

Mr. Hinshaw brought to the attention of the Board the request of Mr. T. A. Henry, Prosecuting Attorney, to use the small office next to the court room for his private office as well as for the purpose of carrying out the duties of the prosecuting attorney for the Town of Chapel Hill. The Board of Aldermen agreed to accomodate the Prosecuting Attorney by letting him use the office temporarily, but felt that the move should not be permanent.

Subject: Taxes due by Mr. McGinnis.

It was brought to the attention of the Board that Mr. McGinnis would be getting his last check as Prosecuting Attorney for theTown on May 31, and since Mr. McGinnis owes the Town $28.65 for back taxes, the question had arisen as to whether his last check in the amount of $25.00 should be held in whole or in part to apply on his account. Upon motion by Alderman Davis and seconded by Alderman Hobbs, the Board of Aldermen authorized that Mr. McGinnis' check be held to apply on his tax account.

Subject: Refunds to West Franklin Street Property Owners.

Mr. Hinshaw stated that he had checked the records of approximately 13 owners who are due refunds and that they are in order and ready for payment. The Board stated that this list should be turned over to the original committee, and after their approval is secured the City Manager is authorized to make payment.

Subject: E. E. Peacock authorized to sign checks instead of City Manager during Illness of City Manager and Town Clerk empowered to carry on duties of Town Management.

WHEREAS, it has come to the attention of the Board of Aldermen that J. L. Caldwell is now confined to Watts Hospital and is unable to continue his duties as City Manager of the Town of Chapel Hill, and there being matters requiring the immediate attention of some one empowered to represent the Town, particularly in the matter of signing checks in order that the weekly payroll may be made and other routine payments be made;

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AND WHEREAS, it appears that it is necessary for the Board to appoint some one to direct the management of the Town affairs during Mr. Caldwell's absence;

THEREFORE, upon motion of Alderman Burch, seconded by Alderman Madry, E. E. Peacock is hereby authorized, empowered and directed to sign checks in the place and stead of the City Manager, J. L. Caldwell, during such time as he is unable to carry on his duties as City Manager of the Town, and the Bank of Chapel Hill is authorized, directed and empowered to cash all checks containing the usual signatures with the name of E. E. Peacock appearing thereon in the place of the usual signature of the said City Manager; and the Town Clerk, W. S. Swaim, is empowered to carry on the duties of the management of the business of the Town, he to act with the advice and consent of the Mayor in matters he feels himself unable to act upon; the said W. S. Swaim is further authorized and empowered to act as tax collector for the Town during the absence of Mr. Caldwell and is clothed with the same power in respect to handling the tax situation as the regular tax collector has when acting in that capacity for the Town.

Subject: Appointment of Town Auditor.

Upon motion by Alderman Hobbs and seconded by Alderman Davis, the Board of Aldermen unamiously appointed Mr. E. E. Peacock auditor for the Town of Chapel Hill for the ensuing term of two years.

Subject: Appointment of Vice-Recorder.

Mr. A. C. Pickard and Mr. John Manning were nominated for the position of Vice-Recorder.

Mr. John Manning was appointed vice-recorder by a vote of 3 to 2 for the ensuing term of two years.

There being no further business the meeting adjourned.

W. S. Swaim
Town Clerk

NORTH CAROLINA

ORANGE COUNTY

I, John T. Manning, do solemnly and sincerely swear that I will support the constitution of the United States, and that I will be faithful and bear true allegiance to the state of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of said state not inconsistent with the constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, John T. Manning, do further solemnly swear that as a vice Recorder in the Chapel Hill Recorder's Court in all articles in the commission to me directed, I will do equal right to the poor and the rich, to the best of my judgment, and according to the laws of the state. I will not privately or openly, by myself or any other person, be of counsel in any quarrel or suit depending before me; the fines and amercements that shall happen to be made, and the forfeitures that shall be incurred, I will cause to be duly entered without concealment. I will not wittingly or willingly take, by myself or any other person for me, any fee, gift, gratuity or reward whatsoever for any matter or thing by me to be done by virtue of my office, except such fees as are or may be directed and limited by statute; but well and truly I will do my office of Vice-Recorder of the Chapel Hill Recorder's Court. I will not delay any person of common right, by reason of any letter or order from any person in authority to me directed, or for any other cause whatever; and if any letter or order come to me contrary to law I will proceed to enforce the law, such letter or order notwithstanding. I will not direct, or cause to be directed, to the parties any warrant by me made, but will direct all such warrants to the sheriffs or constables of the county, or the other officers or ministers of the state, or other indifferent persons, to do execution thereof; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, and according to the best of my skill and judgement, do equal and impartial justice to the public and to individuals; so help me, God.

John T. Manning

Subscribed and sworn to, this 28 day of July, 1941, before me.

Paul H. Robertson

Justice of the Peace