

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 1053  
SENATE BILL 653

AN ACT TO AMEND CHAPTER 314 OF THE PRIVATE LAWS OF 1909 THE  
SAME BEING THE CHARTER OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 314 of the Private Laws of 1909 is amended by adding after Section 42 thereof a new Section to read as follows:

"Sec. 421/2. No suit or action shall be instituted or maintained against the Town of Tarboro upon any claim or demand whatever of any kind or character unless the claimant shall, within ninety (90) days after the date of the accrual of the cause of action, have presented his claim or demand to the Town Council in writing and the Town Council shall have declined to pay or honor the same as presented, or for ninety (90) days after presentation shall not have taken action with respect thereto. Further, no suit or action shall be instituted or maintained against the Town of Tarboro upon any such claim or demand unless suit is instituted within twelve (12) months from the date of the accrual of the cause of action, the same being thereafter forever barred. Nothing contained herein shall be construed to prevent any other Statute of Limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running. Notwithstanding the foregoing provisions hereof, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within ninety (90) days after the termination of the physical or mental incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within one (1) year after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within ninety (90) days after termination of the physical or mental incapacity, or within one (1) year after the happening or infliction of the injury complained of, whichever is the longer period. The Town of Tarboro at any time may request the appointment of a next friend to represent any person having a potential claim against the Town of Tarboro and known to be suffering from physical or mental incapacity."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1963.