

men, one from each Judicial District, as now constituted, and said young men, so selected, shall be educated at said Academy, free of charge for tuition: *Provided, however,* That such beneficiaries shall pledge their honor to the Superintendent, on entering the Academy, to teach two years within the State of North Carolina after graduation.

Proviso.

Board to report to Governor.

SEC. 4. *Be it further enacted,* That the Board of Visitors shall make a report to the Governor, after each examination, to be transmitted to the General Assembly at its ensuing session.

Corporate existence.

SEC. 5. *Be it further enacted,* That General R. E. Colston and his associates, and their successors, being so constituted a body politic, under the name and style hereinbefore given, shall continue their corporate existence for ninety-nine years.

SEC. 6. *Be it further enacted,* That this Act shall not be so construed as to repeal any part of said Act, passed at the session of 1861, except so much as comes in conflict with the provisions of this Act.

SEC. 7. *Be it further enacted,* That this Act shall be in force from and after its ratification.

Ratified the 26th day of February, A. D., 1867.

## CHAPTER LXXV.

### AN ACT TO CONSOLIDATE THE FIRE COMPANIES OF THE CITY OF NEW BERNE.

Preamble.

WHEREAS, The several Fire Companies of the city of New Berne have formed and adopted a constitution and by-laws for their general government, and have associated themselves under the name and title of the "Fire Department of the city of New Berne," the object of which association is the more effectual and harmonious action of all the fire companies, in the protection of the lives and property of the inhabitants of the city of New Berne, against destructive fires and conflagrations; *And, whereas,* the ob-

ject of the said association will be best promoted by an Act of incorporation : Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Samuel Radcliff, Wm. H. Harvey, Martin McManan, Andrew Collins, Joseph D. Myers, John Davis, Thomas Powers, J. L. Watkins, Henry J. Menninger, and J. E. Nash, firemen of the city of New Berne, and their associates, officers and members of "New Berne Steam Fire Engine Company," "Atlantic Engine Company," and "Holden Hook and Ladder Company," and all persons who are now or may hereafter become members of the several Fire Companies of the city of New Berne, be, and they are hereby, constituted and declared to be a body corporate and politic in law, by the name of "The Fire Department of the city of New Berne," and by such name they shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts of judicature whatsoever, and that they and their successors may have a common seal, make, enter into, and execute any contract or agreement touching or concerning the objects of said incorporation, and shall have full power and authority to make, form and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the Constitution and laws of this State or of the United States, as they shall think proper.

Corporators.

Powers, &c.

SEC. 2. *Be it further enacted,* That all the affairs, property and concerns of said corporation shall be managed and conducted by a Board of officers, consisting of one Engineer, one Foreman and assistant Foreman, and two representatives from each and every Fire Company, a majority of whom shall be a quorum, for the transaction of business, that they shall be citizens of this State, and they shall hold their office for one year, and until their successors shall be chosen.

Officers.

SEC. 3. *Be it further enacted,* That the Board of officers, thus constituted, may elect from among the engineers elected by the various Fire Companies, one Chief Engineer,

Chief Engineer.

who shall be the presiding officer of the board of officers, and that they may also elect, out of their own body, a Secretary and a Treasurer.

SEC. 4. *Be it further enacted*, That at all fires, and upon all occasions when the Fire Department may be assembled, the Chief Engineer shall have the general supervision, direction and control of the Fire Department.

SEC. 5. *Be it further enacted*, That in the absence of the Chief Engineer, all his authority, powers and duties shall devolve upon and be exercised by the senior Assistant Engineer; and, in the absence of the senior Assistant Engineer, by the next Assistant Engineer, according to his rank, and in the absence of all the Engineers, by the senior Foreman or other senior officer or member of the Fire Department.

SEC. 6. *Be it further enacted*, That the Chief Engineer, or other officer acting in his stead and place, shall have all the powers, authorities and privileges heretofore granted to the Fire Wardens of the city of New Berne.

SEC. 7. *Be it further enacted*, That this Act shall be deemed a public Act, and shall take effect immediately.

Ratified the 25th day of February, A. D.. 1867.

## CHAPTER LXXVI.

AN ACT TO SET APART AND MAKE PERPETUAL THE MCINTYRE CEMETERY, IN THE COUNTY OF CUMBERLAND.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the land and premises known as the McIntyre Cemetery, in the county of Cumberland, bounded and described as follows: Beginning at a stone on the West side of Steward's creek on the South margin by the Morganton road, running thence South 28 degrees West, one chain and 57 links to a stone, then South 81 degrees West 27 links to a stone, then South 9 degrees East two chains and 82 links to a stone, then North 81 degrees East