

of such appeal, whether the said next succeeding court be the superior or the inferior court.

Pending cases remaining untried, to be transferred to next succeeding court.

SEC. 3. All such cases pending in either the inferior or the superior court of any county which shall not have been tried and determined at any term of said inferior or superior court shall be transferred by the clerk of such court to the next succeeding court, whether the same be an inferior or superior court, and shall be proceeded in in the same manner and with like power and jurisdiction to said court (to which they are transferred) to hear, try and determine as if the bill of indictment therein had been originally found by the grand jury of the same: *Provided*, that section two and three of this act shall apply only to those cases in which the defendants or accused are confined in jail: *And provided further*, that in such cases the handing over of the papers by the clerk of one court to the clerk of the other court where the trial is to take place, and the docketing of the cases, with the receipt of the latter on the docket of the former, shall be deemed and held a sufficient transfer of any such case from one court to the other.

Proviso.

Proviso.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this 14th day of March, A. D. 1879.

CHAPTER 303.

AN ACT TO CHARTER THE OCEAN FIRE COMPANY, OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That J. D. Myers, A. W. Thomas, W. B. Morton, E. Cettinger and others [not] exceeding one hundred in number of the white citizens of the town of

Washington, Beaufort county, be and are hereby authorized to form themselves into a fire engine company, to be known and styled as the "Ocean Fire Company of the town of Washington," and under that name may sue and be sued and plead and be impleaded in any court of the state, and may exercise all powers due and usual to such corporations.

SEC. 2. *Be it further enacted*, that the members of said fire company, while they continue to act as such, may and shall be exempt from work on the streets of the town and from road and militia duty, and from serving as jurors in any court of the state.

Members exempt from work on streets and roads, and from militia and jury service.

SEC. 3. *Be it further enacted*, that the said fire company be and is hereby authorized to pass by-laws for the regulation of the said company, and that a violation of or non-compliance with these laws, unless caused by physical disability or absence from the town, shall [be] and the same is hereby declared a misdemeanor, and shall be heard and determined by the intendent of police of said town on the complaint of the captain of said fire company. If found guilty of such violation of any of the by-laws of the said company the punishment shall be imprisonment in the county jail for five days, to be remitted on the payment of the sum of five dollars to the treasurer of the company by the party found guilty.

By-laws.

Violation of by-laws a misdemeanor or to be tried before intendent of police.

Penalty.

SEC. 4. *Be it further enacted*, that a majority of the acting members who shall attend a meeting advertised for twenty days for the purpose by the secretary of the company shall have and are hereby authorized to enact such by-laws for the company as they shall deem best.

How by-laws to be enacted.

SEC. 5. That any and all laws in conflict with any provision of this act be and the same is hereby repealed.

SEC. 6. This act shall be in force from and after its ratification.

Ratified the 14th day of March, A. D. 1879.