

south 1 degree east 3.811 feet to a stake; thence south 63 degrees and 45' east 3.590 feet to said railroad; thence north 89 degrees east 3.210 feet to a stake; thence north 1 degree west 5.500 feet to a stake, and thence south 89 degrees west 3.210 feet to the beginning.

SEC. 3. That this act shall be in force and effect from and after its ratification.

Ratified this 11th day of March, A. D. 1913.

### CHAPTER 451.

#### AN ACT TO CREATE A BOARD OF TRUSTEES FOR FIREMEN'S PENSION FUND OF WILMINGTON, NORTH CAROLINA, AND TO PROVIDE FOR PENSIONING DISABLED AND SUPERANNUATED FIREMEN.

*The General Assembly of North Carolina do enact:*

Board to be organized.

Composition of board.

Title of present board changed and authority extended.

Election of board.

Term of office.

Organization.

Bond of treasurer.

Control of funds.

SECTION 1. That a board shall be organized in the city of Wilmington to be known as the "Board of Trustees of the Firemen's Pension Fund of Wilmington, N. C.," to raise and manage funds for the pension of disabled and retired firemen of the city of Wilmington. Said board shall consist of five members, who shall serve without pecuniary compensation, two of whom shall be named by the members of the fire department of the city, two by the council of the city of Wilmington, N. C., and the remaining member by the State Insurance Commissioner of the State. That from and after the ratification of this act until the first Tuesday in January, one thousand nine hundred and fourteen, the members of the board of trustees in the city of Wilmington, heretofore known as the Trustees of the Firemen's Relief Fund, shall be known as the Trustees of the Firemen's Pension Fund of Wilmington, N. C., and shall perform the duties and be clothed with the authority herein granted, for the time being. That on the first Tuesday in January, one thousand nine hundred and fourteen, and every second year thereafter, a board, to be composed as hereinbefore first provided, shall be appointed, all to hold office for two years or until their successors are appointed, and immediately after appointment, organization shall be perfected by selecting from its members a chairman and a secretary and a treasurer, which last two positions may be combined and held by the same person. The treasurer shall give a good and sufficient bond to be approved by the Insurance Commissioner of the State, for the faithful and proper discharge of the duties of his office. The board thus organized shall have entire control of the funds derived from the provisions under this act.

SEC. 2. The funds for the firemen's pension fund shall be raised as follows: Funds raised.

1. The city of Wilmington may annually, that is, before the first day of February of each year, pay over to the treasurer of the firemen's pension and relief fund a sum of not less than five hundred dollars (\$500), or so much in addition thereto as may be authorized by its council or governing board out of the general fund of the city of Wilmington, North Carolina. Appropriation from city.

2. The Insurance Commissioner of the State of North Carolina shall hereafter pay over seventy-five per cent of the money collected from insurance companies, corporations, or associations doing business in the city of Wilmington by and under the provisions of an act of the General Assembly of North Carolina, ratified the ninth day of March, A. D. one thousand nine hundred and seven, to the board of trustees of the firemen's pension fund of Wilmington, North Carolina, as herein provided for. Fund from insurance companies.

3. Seventy-five per cent of the capital, interest, income, the cash deposits, funds, securities, and credits formerly or at the time of the ratification of this act held by the board of trustees of firemen's relief fund of the city of Wilmington, or by the treasurer of said board subject to the use of said board, shall from and after the ratification of this act be and become and be held as a part of the funds belonging to the board of trustees for the firemen's pension fund, as herein provided for. Percentage of firemen's relief fund.

4. All forfeitures and fines imposed by the council of city of Wilmington, from time to time, and received by the city clerk and treasurer, by way of discipline from any member or members of the fire department, shall be turned over by the city clerk and treasurer to the treasurer of the firemen's pension relief fund. Fines from firemen.

5. The board of trustees as herein provided for may take by gift, grant, devise, or bequest any money, real or personal property or other valuable thing, and hold or invest the same for the uses of said fund, in accordance with the purposes of this act. Gifts and bequests.

6. All rewards, in money, fees, gifts, testimonials, and emoluments, that may be paid or given for account of extraordinary services by any member of the fire department force, except such as have been or shall be allowed by the council of the city of Wilmington to be retained by said member or members, and such as have been or shall be given to endow a medal or other permanent or competitive reward, shall be paid into said pension relief fund. Rewards for extraordinary service.

7. The said board of trustees shall have authority to impose an assessment upon members of the said fire department and to grade the same, provided such assessments are uniform and equitably graded in relation to the salaries such members are receiving. Assessments on firemen.

SEC. 3. The said board of trustees of the firemen's pension fund shall have the power to invest said pension fund in the name of the "Board of Trustees of the Firemen's Pension Fund" in interest- Investment of fund.

Interest on  
deposits.

bearing bonds of the United States, of the State of North Carolina, or of the city of Wilmington. In case such pension fund or any part thereof shall by order of said board or otherwise be deposited in any bank or banks, all interest or money which may be paid or agreed to be paid on account of such sums or deposit shall belong to and constitute a part of said fund.

Trustees to report  
annually.

SEC. 4. The said board of trustees shall make a full report to the council of the city of Wilmington of transactions and the condition of said pension fund at the first regular meeting of said city council in January of each and every year.

City attorney to  
advise and repre-  
sent board.

SEC. 5. It shall be the duty of the city attorney of the city of Wilmington to give advice to said board of trustees in all matters pertaining to their duties and the management of said firemen's pension fund, whenever thereunto requested, and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined by said board.

Rules and regula-  
tions.

SEC. 6. The board of trustees of the firemen's pension fund shall make all needful rules and regulations for its government in the discharge of its duties and shall hear and decide all applications for pensions under this act, and its decisions on such applications shall be final and conclusive and not subject to review or revisal except by the board. The board shall cause to be kept a record of all its meetings and proceedings.

Applications for  
pensions.  
Decisions final.

Record of pro-  
ceedings.

Pensions.

SEC. 7. Pensions shall be allowed and paid as follows:

Persons disabled  
in discharge of  
duty.

1. Any member of the fire department force of the city who shall, while in the performance of his duties in said fire department and while responding to alarms of fire, become and be found upon examination by a physician appointed by said board of trustees to be physically or mentally disabled by reason of such service in said fire department, said board of trustees of the firemen's pension fund shall upon the certificate of said physician, and by majority vote, retire such disabled member from service in said fire department: *Provided*, no such retirement on account of disability shall occur unless said member or substitute has contracted disability while in the service and in the performance of duty. Upon such retirement, the said board of trustees shall order the payment of such disabled or retired member of said fire department monthly from said pension fund a sum not exceeding one-half the monthly compensation allowed to such member as salary at the age of such retirement: *Provided, nevertheless*, the minimum amount as a pension fund shall not be less than ten dollars (\$10) per month.

Proviso: disability  
incurred in per-  
formance of duty.

Rate of pension.

Proviso: minimum  
amount.

Retirement for  
age and long  
service.

2. The said board of trustees by a majority vote of its members, and with the approval of said physician appointed by said board of trustees, shall have power to retire from service in the said department any active member who has reached the age of fifty-

five (55) years, and has served in such fire department for a period of not less than twenty years, twelve years of which must have been consecutive, whenever such member becomes incapacitated by age, and shall in such case place the member so retired upon the pension roll, such retired member shall receive from the pension fund monthly an amount not less than one-half the monthly compensation allowed to such member as salary at the date of such retirement: *Provided nevertheless*, the minimum amount as a pension shall not be less than ten dollars per month: *Provided, however*, any member of the said fire department shall have the privilege to retire from service in the said fire department who has reached the age of fifty years and has served in such fire department for a period of not less than twenty years.

Rate of pension.

Proviso: minimum.

Proviso: voluntary retirement.

3. No person shall be entitled to receive any pension from said fund except a regularly retired member of said fire department. The term member shall include all officers and men in active service in the fire force.

Regularly retired firemen only to receive pensions.  
Member defined.

4. In case any member of such fire department is killed or dies while in the performance of his duties as fireman the board of trustees shall pay the amount of not less than fifty dollars nor more than one hundred dollars from said pension fund for funeral expenses.

Payment of funeral expenses.

5. No pension of said pension fund shall either before or after its order of distribution by said board to such disabled and pensioned members of said fire department, be held, taken, subjected to, or retained or levied on by virtue of any attachment, execution, injunction writ, interlocutory or other order or decree of any court or any process or proceeding whatever issued out of any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any member, but the said fund shall be held, kept, secured, and distributed for the purposes of pensioning the persons, or the payment of funeral expenses as named in this act, and for no other purpose whatsoever.

Pensions and pension fund not subject to debt.

SEC. 8. There shall be kept in the office of said board of trustees by its secretary a book to be known as the "List of Retired Firemen." This book shall give a full and complete history and record of all the actions of the board of trustees in retiring any and all persons under this act; such record shall give names, date of joining the department, date of retirement and the reason therefor, of any and all persons retired.

Lists of retired firemen.

Items of record.

SEC. 9. When the pension fund shall have reached an amount of such proportions that the interest thereon is sufficient to pay all pensions and expenses, no further amount shall be paid over by the city of Wilmington, as set forth in section two, division one, of this act, for the benefit of said pension fund, until such time as such interest shall again not be sufficient to pay such pensions and expenses.

Appropriation from city terminated by accretion of fund.

Pension pro rata  
if fund insufficient.

SEC. 10. If at any time, for any unforeseen cause, there shall not be sufficient money in said pension fund to pay each person entitled to the benefits thereof the full amount per month as herein provided, and such deficiency shall not be met by the city of Wilmington, then an equal percentage of such monthly payment shall be made to each beneficiary until said fund shall be replenished sufficiently to warrant the resumption of payment thereafter of full pension pay to each of said beneficiaries.

Fund exempt from  
taxation.

SEC. 11. The pension fund herein provided for shall be exempt from taxation.

Board to hold  
funds in trust.  
Authority and  
duties.

SEC. 12. The board of trustees shall hold all funds collected, upon the trusts and for the purposes set out in this act, and shall be clothed with all the power and authority and subject to all the duties and restrictions in this act contained.

SEC. 13. All acts and parts of acts, in so far alone as they are in conflict herewith, are hereby repealed.

SEC. 14. This act shall be in force and effect from and after its ratification.

Ratified this the 11th day of March, A. D. 1913.

## CHAPTER 452.

### AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF SHARPSBURG, NASH, EDGECOMBE, AND WILSON COUNTIES, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Incorporation.

SECTION 1. *Corporate Name.*—That all the inhabitants of the town of Sharpsburg in the counties of Nash, Edgecombe, and Wilson, North Carolina, as the boundaries and limits of said town are herein established or may be hereafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the "Town of Sharpsburg," with such powers, rights, and duties as are herein provided.

Corporate name.

Corporate powers.

Boundaries.

SEC. 2. *Boundaries.*—That the boundaries of the said town of Sharpsburg shall be and the same are hereby fixed and determined as follows: Beginning at the one hundred and nineteenth milepost on the Wilmington and Weldon Railroad, county of Wilson; thence twenty-nine degrees west one hundred and sixty-nine poles to a stake; thence north seventy-one degrees west one hundred poles to a stake; thence south twenty-nine degrees west three hundred and twenty poles to a stake; thence south seventy-one degrees east two hundred poles to a stake; thence north twenty-nine degrees east three hundred and twenty feet to a stake; thence north seventy-one degrees west one hundred poles to the railroad