

III. *And be it further enacted*, That nothing in this act contained shall be construed to interfere with any conflicting legal or equitable claim or right heretofore obtained by any individual.

#### CHAPTER XCVI.

An act for the better protection of the City of Raleigh from losses by Fire.

*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 a Fire Company be established in the City of Raleigh, in the following manner: The Intendant of Police and Commissioners of said City, shall, in the month of January in every year, enrol the free white male inhabitants of said City of twenty-one years of age and upwards, (those only to be excepted, who shall, from age or infirmity, be unable to perform the duties of a member of a Fire Company,) and being thus enrolled, the said Intendant and Commissioners shall publicly invite such citizens as choose to volunteer their services to form a Fire Company for the said City, to consist of forty members; and if a sufficient number do not offer themselves as volunteers before the last Saturday in February, the said Intendant and Commissioners shall, on that day, draft from the enrolment which they have made, such number of men as shall be wanting to make up said Company, who shall serve one year; and in all future drafts, those who have already served in said Company, shall be excused, until all the enrolled citizens shall have performed their tour of duty.

II. *Be it further enacted*, That immediately after the proper number of men have been obtained to form said Fire Company, the Intendant of Police shall call a meeting of the men thus volunteered and drafted, at the Court house in the City of Raleigh, for the purpose of electing a Captain and four other Officers of different grades, to be determined by the Board of Commissioners of said City, and chosen from said Company; and in case such election does not take place at such meeting, the said Board of Commissioners shall appoint such officers, who shall serve until the next annual election; and in case of vacancies, occasioned by death or otherwise, they shall be filled by the Company, or by the Board of Commissioners, as aforesaid.

III. *Be it further enacted*, That the Captain of said Fire Company shall call his Company together for the purpose of exercise with the Engine, as often as he may deem it necessary, which shall be, at least, once in every two months, or, on failure to do so, he shall be subject to a fine of ten dollars for every such default. And in case of the absence from the city of the Captain, inability, or other cause, he cannot attend to his duty, the calling out of the men for exercise or any other duty of the Captain, shall devolve on the officer next in command, who shall be subject to like penalties, in case of failure to perform his duty; and on the failure of any member of the Company to perform his duty, he shall forfeit one dollar for every such offence.

IV. *Be it further enacted*, That it shall be the duty of the Captain of the Fire Company to see that care be taken of the Engine, Hose, Hooks, Ladders, and other apparatus belonging to the City; and whenever any repairs are necessary to the Engine, or to any other of the articles used by the Company, he shall immediately give notice thereof to the Intendant of Police or one of the Commissioners, who shall lay the subject before the Board at its next meeting, so that the Engine and other apparatus may always be in good order for service; should any Captain fail in his duty in this respect, he will be subject to a fine of ten dollars.

V. *Be it further enacted*, That whenever an alarm of fire shall be given, all the free male inhabitants of the city shall attend with their fire buckets, and render every assistance in their power to extinguish such fire, and to take care of any property that may be endangered thereby; such as are members of the Fire Company, performing their duty under their proper officers, and others obeying the directions of those in authority; any one failing to perform his duty on such an occasion, to be subject to a fine of five dollars for every such offence.

VI. *Be it further enacted*, That in cases of fire in said city, it shall be competent for a majority of the Commissioners of the city, who may be present, if they deem it necessary to stop the progress of such fire, to cause any house or houses to be blown up or pulled down, for which they shall not be responsible to any one.

VII. *Be it further enacted*, That in case another Fire Engine, or other Fire Engines, shall hereafter be procured for the use of the said city, another Company or other Companies may be formed, upon a similar plan, and subject to the same rules and regulations which are provided for the company now proposed to be formed for managing the same.

VIII. *Be it further enacted*, That such men as are actually members of any Fire Company in said city, who may be subject to militia duty, shall be exempted from mustering during the period of such service, except the country should be at war.

IX. *Be it further enacted*, That all fines incurred under this act shall be recovered by warrant before the Intendant of Police of said city, or before any Justice of the Peace for Wake county.

X. *Be it further enacted*, That all acts, or clause of acts, coming within the meaning of this act, be, and the same are hereby repealed.

#### CHAPTER XCVII.

An act to incorporate Oak Forest Academy, in the county of Robeson.

*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 Archibald Buie, Duncan Hughes, Alexander M'Bryde, John Gillis, John M'Dermid, Peter Johnson, Archibald Smith, John M'Neill, Malcom Patterson, Peter M'Arthur, and their successors, be, and they are hereby constituted a body politic and corporate, to be known and distinguished by the name of "the Trustees of the Oak Forest Academy," and by that name they shall be capable in law or equity to receive, acquire, hold and possess lands, tenements, goods or chattels, and dispose of the same for the benefit of said institution; by that name they may sue and be sued, plead and be impleaded, in any of the Courts of this State; a majority of the trustees shall have power, from time to time, to appoint other trustees, and to establish such bye-laws and regulations for the government of said institution as may be necessary for the advancement of good morals and the acquisition of learning: *Provided*, they be not at variance with the laws of the State.

#### CHAPTER XCVIII.

An act prescribing the time and place of electing the members of the General Assembly for the county of Martin, and members of Congress.

*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 in future the annu