

**Charter
Constitution, By-Laws
AND
Rules of Order
OF
New Berne Steam Fire
Engine Co., No. 1**



NEW BERN, N. C.

Organized January 1, 1865

(Owen G. Dunn, Printer, New Bern, N. C.)

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OUR MOTTO:

"PROTECT, NOT DESTROY"

SUMMARY OF MEETINGS

First Monday in January, at 8 o'clock P. M.
First Monday in February, at 8 o'clock P. M.
First Monday in March at 8 o'clock P. M.
First Monday in April at 8 o'clock P. M.
First Monday in May at 8 o'clock P. M.
First Monday in June at 8 o'clock P. M.
First Monday in July at 8 o'clock P. M.
First Monday in August, at 8 o'clock P. M.
First Monday in September at 8 o'clock P. M.
First Monday in October at 8 o'clock P. M.
First Monday in November at 8 o'clock P. M.
First Monday in December at 8 o'clock P. M.

AN ACT

To Incorporate the New Berne Steam Fire Engine Company No. 1

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 Andrew Collins, Andrew J. Pool, Thomas Powers, C. P. Loomis, Henry J. Menninger, D. W. Wardrop, Phineas Merwin, Samuel T. Jones, I. Edwin West, J. F. Robertson, James O. Whittemore, and other persons who shall be associated with them for the object intended, and those successors duly elected and chosen according to the by-laws of the Company, shall constitute a body politic and corporate by the name and style of the New Berne Steam Fire Engine Company No. 1, for the purpose of more united and efficient action in the extinguishing of fires in the city of New Bern, and by the name and style shall have power to acquire a Steam Fire Engine or Engines, and such real estate as may be needful for their proper care and custody, the value of which shall at no time exceed the sum of \$15,000.00.

Sec. 2. Be it further enacted, That said Company shall by the name and style aforesaid, have succession, sue and be sued, plead and be impleaded, have a common seal, and after the same at pleasure, and make all by-laws and rules

necessary for the proper government of the Company and the management of its funds, not inconsistent with the laws of the State: and in all matters do and perform what is customary and proper for fulfilling the object of the association.

Sec. 3. Be it further enacted, That members in the actual service of the Company, performing duties when required, shall be exempt during the continuance of such service from jury and militia duty, and after the faithful performance of required duties in the Company for the term of seven years, a certificate thereof shall exempt for life the holder from jury and militia duty, and from all taxes on the poll.

Sec. 4. Be it further enacted, That this Act shall be in force from and after its ratification.

Ratified the 20th day of December, A. D. 1865.

STATE OF NORTH CAROLINA

Department of State

Raleigh, N. C., July 12, 1867.

I, R. W. WEST, Secretary of State, do hereby certify that the foregoing is a true copy of the original on file in this office.

Given under my hand the day above written.

R. W. WEST,
Secretary of State.

PREAMBLE

Whereas, in order to render a Fire Company effective, it is necessary to observe certain fixed rules and regulations, therefore,

Resolved, That we, members of "New Berne Steam Fire Engine Company No. 1," do agree to support and abide by the following:

CONSTITUTION

ARTICLE I

Name.

This Company shall be known as New Berne Steam Fire Engine Company No. 1.

ARTICLE II.

Membership.

Section 1. The Company shall consist of one hundred Active, one hundred Associate, and as many Honorary members as the Company may elect.

Sec. 2. Any resident of New Bern, who has attained the age of 18 years, and physically qualified, who shall have been proposed at a regular meeting and approved by the Investigating Committee, shall be balloted for at a regular meeting thereafter, in the manner prescribed by the By-Laws, and upon paying an initiation fee and signing this Constitution shall be declared an active member.

Sec. 3. Associate members shall be elected in the same manner and pay the same initiation fee, and comply with the same regulations as an active member, but shall be exempt from all fines for non-attendance at fires, parades and meetings, and shall have such privileges as shall hereafter be specified in By-Laws.

Sec. 4. The same rules shall govern the election of honorary members, but they shall be exempt from all fees, fines or dues, and shall not be required to sign the Constitution.

ARTICLE III.

Officers.

Section 1. The officers of this Company shall consist of a Foreman, Assistant Foreman, Practical Engineer, Captain of Hose, Secretary, Treasurer, an Investigating and Auditing Committee of the members, and three Trustees and the necessary number of Representatives, and House Committee, all of whom shall be elected at the annual meeting.

Sec. 2. All officers shall hold office for the term of one year from the first Monday in January, or until their successors are elected.

ARTICLE IV.

Annual Meeting.

Section 1. The Annual Meeting shall be held on the first Monday evening of December.

Sec. 2. The Company shall hold one regular meeting in each month for the transaction of business, the time to be designated in the By-Laws.

ARTICLE V.

The Company is hereby vested with power to enact by-laws for the more complete regulation

and government of the Company, and to transact any business not in conflict with the Constitution.

ARTICLE VI.

No Article of this Constitution shall be suspended, unless by an unanimous vote of members present at a regular meeting.

ARTICLE VII.

No amendment shall be made to this Constitution until one month after notice in writing has been given to the Company, and unless by a vote of two-thirds of the members present at a regular meeting.

BY-LAWS

ARTICLE I.

Meetings.

Section 1. The regular meetings of this Company shall be held on the first Monday evening in each month at 8:00 P. M. The December meeting shall be called the Annual Meeting.

Sec. 2. The Foreman shall call special meetings whenever it is deemed necessary; or at the written request of five members, provided notice is given to members previous to the time appointed for holding such special meetings.

Sec. 3. One-fourth of the active members shall constitute a quorum for the transaction of business, except for disposal of Company property, when it shall require a quorum of three-fourths.

Sec. 4. The Company shall come to order within ten minutes of the appointed time. In the absence of the Foreman and assistant Foreman the Company shall appoint a Chairman pro tem.

Sec. 5. No subject of a sectarian or political nature shall be introduced before the Company.

Sec. 6. The meeting shall be governed in

debate by Parliamentary Rulings, when not in conflict with special provisions made in the By-Laws.

ARTICLE II.

Election of Officers.

Section 1. No member shall be elected to an office unless he shall have received a majority of all votes cast, and unless he is at the time free from fines and dues.

Sec. 2. No member who is more than one month in arrears for dues, or against whom any fine stands unpaid, shall be entitled to vote at any election of officers, or on any question for the disposal of Company property. And the Foreman shall have before him, before appointing tellers, a complete list of those not qualified to vote under this section, and he shall refuse the ballots of all such members.

Sec. 3. Written or printed ballots shall be used for the election of officers.

ARTICLE III.

Duties of Officers—Foreman.

Section 1. It shall be the duty of the Foreman to see that the Engine and House are kept in good order and repair, to enforce the By-Laws rigidly and impartially, and see that the proper fines and penalties are imposed for violation; to obtain the discharge of the Company

as soon as a fire has been extinguished; to grant, at his discretion, "Leaves of Absence" from a fine, to preside at all meetings of the Company as chairman; to attend all meetings of the Board of Engineers and Officers, and to vote according to instructions from the Company. At a fire he may order such refreshment for the Company as he may deem necessary, and he shall notify the Treasurer to pay for such refreshments (if in funds) within forty-eight hours after the Company is discharged, and after a fire or at a meeting he should in the absence of the Secretary, appoint one pro tem.

Assistant Foreman

Sec. 2. It shall be the duty of the Assistant Foreman to aid the Foreman in the discharge of his duties, see that the hose are kept in proper condition and in readiness for fire at all times; and in his absence to act as Foreman. He shall be a member of the Board of Officers and Engineers.

Captain of Hose

Sec. 3. It shall be the duty of the Captain of Hose, after each fire to check the attendance.

Secretary.

Sec. 4. It shall be the duty of the Secretary to keep a correct roll of the Company, and call the same at the opening and closing of every

meeting, and after the alarms of fires, to keep a true account of the proceedings of the Company at each meeting; to read the minutes of the preceding meeting, and to keep on file all documents relating to the business of the Company. He shall report all delinquents who are in arrears. At each regular meeting he shall place the name and residence of all candidates proposed for membership on the bulletin within forty-eight hours after such proposal. He shall notify every newly elected member of his election, and furnish him with a copy of the Constitution and By-Laws within three days thereafter. If at any time he should be unable to attend a meeting of the Company, he shall convey or caused to be conveyed, to the place of meeting, all books of the Company that may be in his possession, which are required at the meeting. It shall be his duty to notify each member, in writing, of the time and place of holding special meetings, to receive all payments made to the Company, to report the same in detail to the meeting previous to the second roll call; he shall also pay the amount over to the Treasurer on the night of the meeting, taking his receipt therefor. After a newly elected member has been notified of his election, the Secretary shall place his name on the roll and furnish him with a key to the Engine House, collecting from him the price of same. He shall furnish each member of the

Committee of Investigation with the name of all candidates proposed, within two days thereafter.

Treasurer.

Sec. 5. It shall be the duty of the Treasurer to receive all funds collected by the Secretary, and give his receipt therefor. He shall keep an account of all monies received and disbursed, and shall render a detailed statement at each regular meeting, and an account current at the Annual Meeting. He shall pay no bills unless passed by the Company at a meeting for business, or approved by the Auditing Committee; and all bills so passed shall be paid within ten days thereafter (if in funds), unless otherwise ordered; provided, the Treasurer be, and he is hereby, prohibited from paying bills in favor of any member of this Company, or in which they may be interested, until such member shall be free from all dues and fines. In case a newly elected member is not confirmed, the Treasurer shall pay back to the Secretary the initiating fee, if it has been received.

Auditing Committee

Sec. 6. It shall be the duty of the Auditing Committee to examine the books and accounts of the Secretary, Treasurer and Trustees, after each Annual Meeting, or oftener if called upon by the Company so to do, and report in writing

to the Company. And at the January meeting they shall present a detailed report of the receipts and disbursements during the year, with a list of all monies due to or against the Company. Any member in arrears at the Annual Meeting shall be dropped from the rolls of this Company.

Trustees.

Sec. 7. It shall be the duty of the Trustees to hold in trust for the Company all stocks, securities, real estate and property of each and every description, which the Company shall become possessed of. And no such stocks, securities or property shall be transferred, exchanged or disposed of in any way, except by an order of the Company passed at a regular meeting, and two-thirds of all members of the Company entitled to a vote be in favor of the same. All monies belonging to the Company, coming into their hands, shall immediately be turned over to the Treasurer, taking his receipt for the same. They may be removed from office for non-performance of duty, or for any misconduct, if found guilty after a fair and impartial trial of the Company.

Committee on Investigation.

Sec. 8. It shall be the duty of the Investigating Committee to strictly inquire into the character of all candidates proposed for mem-

bership, and report in writing at the next regular meeting, using only the terms "favorable" or "unfavorable." For each neglect of duty they shall be fined one dollar each.

Committees.

Sec. 9. (a). All committees whose action involves the expenditure of funds shall report in writing, except when reporting progress. If an appropriation is made, the report shall contain a statement in detail of the purposes for which the money was expended and a second appropriation shall not be made until such report, signed by a majority of the committee, is received; but when no appropriation has been made, no debts contracted by a committee shall be paid until such written report has been received, stating the items and total amount of such debts.

(b). The Foreman shall appoint all committees, not exceeding three.

Vacancies.

Sec. 10. If an office shall become vacant, it shall be filled at the next regular meeting.

Sec. 11. Any officer who shall neglect any of the duties of his office may be impeached.

ARTICLE IV.

Election of Members.

Section 1. When two or more candidates are

reported on by the Investigating Committee they shall be balloted for in the order in which their names stand on the minutes. Ball ballots shall be used, and if three of the members present shall deposit "black balls," the candidates receiving such ballot shall be declared rejected. If candidate receives two "black balls," he shall be balloted on again, and if he receives two "black balls" the second time, he shall be declared rejected. If he receives one "black ball" he shall be elected to membership.

Sec. 2. No member shall participate in any trip at company's expense until he has served twelve months as a member of this company.

ARTICLE V.

Active, Associate and Honorary Members.

Section 1. Active members who are in good standing on the books, shall be entitled to all the privileges within the power of the Company to grant.

Sec. 2. Associate members shall be entitled to all the privileges of an active member, except voting on questions involving the expenditure of money, voting for officers, holding office, serving on committees, or taking command of the apparatus. Any member desiring to be transferred from the active to the associate roll must make application in writing at a regular meeting of the Company; and if two-thirds of the

members present are in favor of such transfer it shall be made.

Sec. 3. No person shall be elected to either active or associate membership who is a member of any other Company.

Sec. 4. Honorary members shall be entitled to the privileges of the house, but shall have no voice in the affairs of the Company.

Sec. 5. Any member of this Company, after having rendered faithful service therein for the period of seven years, may upon notification to the Secretary, of his intention to avail himself of the provision of this section of the By-Laws, be exempt from all fines for non-attendance upon fires, meetings, or parades, by payment of the regular monthly dues, Provided, such member shall not be entitled to any voice in the affairs of the Company, except it be in regard to the disposition of Company property.

ARTICLE VI.

Fees, Fines and Penalties.

Section 1. The initiation fee in this Company shall be \$2.50, and must accompany the application, with one month's dues in advance.

Sec. 2. All members shall pay in advance a monthly due of 33 1-3 cents.

Sec. 3. (a). Fines shall be recorded against members at regular and special meetings as follows:

(b). Non-attendance at Annual Meeting, one dollar.

(c). For not appearing at a Regular or Special Meeting, for which notice has been given, 25 cents.

(d). For leaving the meeting without permission of the Foreman, one dollar.

(e). For refusing to come to order when called upon by the Foreman, one dollar.

(f). For introducing any improper subject before the Company, one dollar.

(g). For using profane language or personal abuse during a meeting, three dollars.

(h). For spitting on floor, 25 cents.

(i). For informing any person not a member, of any personal remarks, rejection of candidate, disputes between members if any occur, or of any other private business of the Company, five dollars, and for a repetition, may be expelled.

(j). In the absence of the Secretary, the member acting as such, shall report to that officer, if he is in the city, all the proceedings of the meeting, within three days thereafter, under a penalty of one dollar.

Sec. 4. For non-attendance at a fire, unless occasioned by sickness, absence from city or inability to leave business, the fine shall be 25 cents.

Sec. 5. Any member lending any part of his uniform to be worn by a person not a member of this Company, or lending his key to any such person, for access to the Engine House, without permission of the Foreman, shall be fined one dollar.

Sec. 6. Members, for disobedience of orders, or using disrespectful language to the officers in command shall be fined two dollars, and for a repetition of the offence may be expelled.

Sec. 7. For leaving the Engine or Wagon, while at a fire, without permission of the officer in command, or interfere by giving counter orders to the members, the fine shall be two dollars.

Sec. 8. Any member hearing an alarm of fire, or knowing there is a fire and not using due diligence in repairing to the same, shall be fined one dollar, unless excused by the Company.

Sec. 9. Any member defacing or destroying any property belonging to the Company, shall be fined twenty-five dollars, and for a repetition shall be expelled; and any person visiting the Engine House, who may be guilty of either of the above offences, shall be publicly requested to leave the house, and shall not again be admitted.

Sec. 10. Any member loaning any property belonging to the Company, without the consent

of a majority of the members, shall be fined three dollars.

Sec. 11. When any member is known to give a false excuse to avoid a fine or censure, he shall be fined five dollars, and for repetition of the offence, shall be expelled.

Sec. 12. Gambling or any other game of chance, shall not be allowed in the Engine House under a penalty of five dollars; and for a second offence, a member may be expelled.

Sec. 13. No member shall be allowed at a meeting while intoxicated, and any member appearing at a meeting, fire or parade in a state of intoxication, shall be fined five dollars or expelled, at the option of the Company.

Sec. 14. Whenever it shall be considered that a member is repeatedly deficient in his duty, the Foreman shall request him to state his reasons for such deficiency at a regular meeting, and shall he refuse to do so, or his reasons be not satisfactory to the Company, he may be expelled.

Sec. 15. No roll shall be called after an alarm of fire unless the bell has been rung.

Sec. 16. There shall be no voluntary roll in this Company, and none but members shall be entitled to wear the uniform of the Company, except on public occasions, and not then unless

his name shall have been submitted to and approved by the Foreman.

Sec. 17. The first member arriving at a fire shall be in command and be obeyed accordingly until the arrival of the Foreman, Assistant Foreman or Captain of Hose, and should but one of these officers be present, he shall act as Assistant Foreman.

Sec. 18. Whenever the Chief Engineer of the Fire Department, the Foreman of the Company, or the Company by vote shall order a parade, it shall be the duty of every member to attend at such parades, and for non-attendance they shall be fined two dollars and fifty cents, unless excused, and the only valid excuse shall be sickness, absence from the city or inability to leave business.

Sec. 19. Should any member of this Company interfere with the driver in any way or manner in driving to a fire, he shall be fined five dollars for each and every offence, and if not paid within thirty days he shall be expelled.

Sec. 20. Any offence not enumerated in the preceding sections may be taken cognizance of and a penalty inflicted by vote of the Company.

Sec. 21. Any officer who shall neglect any of the duties of his office may be impeached.

Sec. 22. The Company shall have power at

all times to remit any or all fines by a majority vote.

ARTICLE VII.

Section 1. These By-Laws shall not be altered or amended, except by a proposition in writing at a regular meeting, which proposition, if seconded, shall be entered in the minutes, and at the next regular meeting it may be considered, and if two-thirds of the members present entitled to vote, are in favor of the amendment it shall be adopted.

Sec. 2. These By-Laws shall go into effect immediately upon their adoption.

Sec. 3. All By-Laws or amendments passed heretofore, are hereby repealed.

Adopted October 15, 1866.

Amended June 5, 1882.

Amended August 3, 1896.

Amended March 3, 1913.

Amended January 3, 1927.

W. MURRAY PUGH,

C. H. DIXON,

C. B. BARTLING,

Committee.

ORDER OF BUSINESS
AT A REGULAR MEETING

1. Roll Call.
2. Reading the Minutes of previous meeting
3. Collections, and delinquents to show cause.
4. Unfinished Business.
5. Report of Committee of Investigation, and Election of Members.
6. Nomination of Candidates for Membership.
7. Reception of Communications and Bills not from Committees.
8. Reports of Committees.
9. New Business.
10. Roll Call of Fire Alarm Attendance.
11. Secretary's Report.
12. Roll Call.

RULES OF ORDER

1. The Chairman shall preserve order, and endeavor to bring all discussions and business to a just and speedy termination. He shall not vote unless when the Company are voting by ballot, or when the ayes and noes are called, except in case of a tie vote, when he shall decide the question. He shall take no part, except for personal explanation, in the discussion of any question while in the chair. Should he wish to speak, he may call any member to the chair, but shall not take it again until the pending question is disposed of.

2. No motion shall be considered before the Company until it has been regularly moved and seconded, and stated by the Chairman.

3. A member desiring to make a motion, or speak to a question shall rise and address the chair; but should two or more members rise at the same time, the Chairman shall decide which is entitled to the floor.

4. Should the mover decide to withdraw a motion, the chair shall distinctly ask **is there any objection**, and if none answer he shall declare it withdrawn; and if any **object**, it shall be in order to move that **leave be granted to withdraw**.

5. All resolutions shall be in writing, with

the mover's name attached, and be read to the Company before being debated.

6. A motion to amend an amendment to an amendment shall not be in order.

7. When a blank is to be filled, the question shall be first taken on the highest number, sum, or longest time proposed.

8. An amendment destroying or altering the intention of a motion shall be in order; but an amendment relating to different subject shall not be in order.

9. Any member may call for a division of the question when it contains two distinct propositions.

10. Any member may call for a division of the Company, immediately after a vote, should he be in doubt as to the correctness of the Chairman's decision; and such division shall be made by a rising vote; the Secretary counting both the affirmative and the negative.

11. Every member, if entitled, shall vote unless excused by the Company.

12. If demanded by five members, even after a regular vote has been taken, if immediately after, the ayes and noes shall be called, and be recorded in full in the minutes.

13. No member shall be allowed to speak

more than twice, without unanimous consent, until all have spoken twice who wish, and are entitled to do so.

14. Any member indulging in personal abuse during the discussion of a question before the meeting, shall be called to order, and not allowed to speak again, nor to vote upon such question.

15. Before putting a motion the Chairman shall ask, **are you ready for the question?** and should the member rise to speak he shall then proceed to put the motion after which debate shall not be in order.

16. When a question is before the Company the only motions in order shall be—1st, to adjourn; 2nd, the previous question; 3rd, to lay the question on the table; 4th, to postpone the question to a definite time; 5th, to refer; 6th, to amend; and to take precedence as herein arranged.

17. The previous question shall not be taken unless called for by three members, and it shall be put in this form—"Shall the main question now be put?" If this is carried, no further motions, amendments or debate, shall be in order, but the question before the meeting shall be put without delay; and if it has been amended, the question shall be the first taken on the amend-

ment or if two amendments have been made on the last amendment first.

18. The following motions shall be decided without debate: 1st, to adjourn, (but a motion to adjourn to meet again at a particular time or place, may be debated); 2nd, to lay a question on the table when claiming precedence over another motion; 3rd, for the previous question; 4th, question of order; 5th, to take up a particular item of business; 6th, to read a paper; 7th, to reconsider; 8th, appeals from the decision of the chair.

19. The Foreman shall decide questions of order; but any two members may appeal from his decision to the Company, and if the Secretary requires it, shall put their appeal in writing. The question shall then be put in this form "Shall the decision of the Foreman be sustained?"

20. It shall be the duty of the Foreman, and the privilege of any member to call a member to order, who violates an established rule.

21. If a member is called to order while speaking, the debate shall be suspended, and the member so called to order shall be seated; the point of order shall then be stated by the member raising it, and the Foreman shall immediately decide the point of order—sustained

or not sustained, whichever he may deem correct.

22. Any question may be considered, (except the previous question), at any time during the meeting, or at the next regular meeting; but a motion to reconsider having been decided in the negative, shall not be renewed; and no question shall be reconsidered more than once. A motion to reconsider must be made and seconded by members who voted with the majority, except in case of the rejection of a candidate for membership, when any member may make the motion.

23. No motion shall be entertained to reconsider a question, which cannot be made to occupy the same position before the Company, that it did when first decided.

24. A motion to "rescind" shall not be in order, while a motion to "reconsider" can be made.

25. A motion to adjourn shall always be in order, except, 1st, when a member is in possession of the floor. 3rd, when the last preceding motion was to adjourn; or 4th, between the adoption of the motion for the previous question, and the putting of the main question.

26. A motion to adjourn cannot be amended

but a motion to adjourn to a given time or place may be.

27. These rules, or any portion of them, may be suspended for a **special** purpose, at a meeting, by a two-thirds vote of the members present.

28. A motion to alter or amend any of these Rules must be made in writing at a regular meeting, and if seconded shall be entered in the minutes. At the next regular meeting thereafter it may be considered, and if two-thirds of the members present vote for it, shall be adopted.

