

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Wednesday the first day of July, 1761, and in the first year of His Majesty's Reign, and there continued by several prorogations until Wednesday the 17<sup>th</sup> day of March, 1762, in the second year of His Majesty's Reign.*

2 George III – Chapter 5

**An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.**

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful to and for the Justices of the Peace for the town and county of Halifax, from time to time annually in their sessions, to appoint such number of prudent persons of known fidelity not exceeding ten, in the several parts of the said town of Halifax, and the suburbs thereof, as they may think fit, who shall be sworn faithfully to discharge their trust and shall be denominated and called Firewards, and have a proper badge assigned to distinguish them in their office, viz: a staff of six feet in length, coloured red, and headed with a bright brass spear of six inches long.

And be it further enacted, that at the times of the breaking forth of fire in the said town or suburbs thereof, and during the continuance thereof, the said firewards shall and are hereby authorized and empowered, jointly or separately to command and require assistance for the extinguishing and putting out the fire, and for removing of household stuff and furniture, goods, and merchandizes out of any dwelling houses, store-houses, or other buildings actually on fire or in danger thereof, and to assistance for the pulling down of any houses, or any other services relating thereto, to stop and prevent the further spreading of the fire; and to suppress all tumults and disorders. And the officers appointed from time to time as aforesaid, are required upon the notice of fire breaking forth (taking their badge with them) immediately to repair to the place, and vigorously exert their authority for the requiring assistance, and using their utmost endeavours to extinguish, and prevent the spreading of the fire, and to preserve and secure the estate and effects of the inhabitants; and due obedience is required to be yielded unto them, and each of them accordingly for that service: and for all disobedience, neglect or refusal in any person information thereof shall, within two days next thereafter, be given to any one of His Majesty's justices of the peace for the said county and town, and upon conviction thereof, before any two of the justices aforesaid, each and every person so convicted shall forfeit and pay the sum of forty shillings, to be levied and distributed by the direction of such justices, among the poor most distressed by the fire; and in case the offenders are unable to satisfy the fine then to suffer ten days imprisonment.

And be it further enacted, that when any fire shall break out in the said town of Halifax, or the suburbs thereof, two or more of the magistrates or firewards of the said town, shall and may, and are hereby empowered to give directions for pulling down any such house or houses as shall by them be judged meet to be pulled down, for the stopping and preventing

the further spreading of the fire; and if it shall so happen, that the pulling down any such house or houses by the direction aforesaid, shall be the occasion of stopping the said fire, or that the said fire shall stop before it come to the same, that then all and every owner of such house or houses shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of the said town and suburbs, (to be accounted from the river called Fresh-Water-River, to Mr. Mauger's distilling house inclusive) whose houses shall not be burnt, in the manner hereinafter prescribed, that is to say,

The owner or owners of such house or houses so pulled down and intitled as aforesaid shall as soon as may be, make application to the first justice in the commission of the peace for the said town and county, or in his absence to the next justice named in the said commission, who is hereby empowered to call a special sessions of the justices, who shall meet at the time appointed; and the court being satisfied by such proof as shall be brought, of the justice of the claims made, they shall then issue an order for the valuation of the damages so sustained, to be made by two or more indifferent persons, who shall make a return of their proceedings upon oath into the said court by the day affixed, whereupon the court shall appoint two or more assessors, who shall tax the houses of the said inhabitants that have not been burnt, at such rate or rates as shall by them be thought just, in proportion to the value of the houses that are to be taxed, for paying the said damages and the charges of valuation, taxation, and collection, together with the other fees of the court, to be settled before the making such assessment; and the said assessors are to report their proceedings to the court also upon oath. And the said court shall thereupon issue an order for collecting the monies so taxed, and in case of non-payment the same to be levied by warrant of distress to be obtained from any one of the said justices upon application to him by the collector or collectors of the said tax: and as soon as the assessments are so collected, the court shall order payment to be made to the party claiming according to the report made and approved of the said damages; as also the payment of such other charges as aforesaid.

Provided, that if the house where the fire did begin and break out, shall be judged fit to be pulled down to hinder the increase and further spreading of the same, that then the owner of such house shall receive no manner of satisfaction therefor, any thing herein contained to the contrary notwithstanding.

And be it likewise enacted, that if any evil minded wicked persons, shall take advantage of such calamity, to rob, plunder, purloin, embezzle, or convey away, or conceal any goods, merchandizes or effects, of the distressed inhabitants, whose houses are on fire or endangered thereby, and put upon removing their goods; and shall not restore and give notice to the owner or owners, if known, or bring them into such public place as shall be appointed and assigned by the governor and council, within the space of two days next after proclamation made for that purpose, the person or persons so offending, and being thereof convicted, shall be deemed felons and suffer death as in cases of felony, without benefit of clergy.