

which may be erected by virtue or in pursuance of this Act, such offender or offenders shall upon conviction thereof before any one of His Majesty's Justices of the Peace of the said County, upon the oath of one or more credible witness or witnesses, forfeit and pay the sum of twenty shillings for each and every offence; to be levied with cost of prosecution by warrant of distress and sale of the offender's goods, under the hand and seal of such Justice, directed to either of the constables within the said County, and for want of goods whereon to levy the same, the offender or offenders shall be committed to the common gaol of the County, there to remain for the space of five days unless the said sum with costs be sooner paid; which forfeiture when recovered shall be paid into the hands of the County Treasurer for the use of the County; and such offender or offenders shall be further liable for all damages sustained thereby, to be recovered with costs by action or actions at the suit of the party injured: Provided always, that if any gate or gates erected by virtue or in pursuance of this Act shall not be kept in good repair by the proprietor or proprietors thereof at his, her or their own expense, he, she or they shall have no benefit of this Act.

Penalty.

Recovery.

Application.

Gates to be kept in good repair.

III. Provided always and be it enacted, That whenever it shall appear to the said Justices in General Sessions by the report of any three or more of five commissioners, (freeholders as aforesaid,) to be appointed and sworn in manner as aforesaid, that the reason for erecting any such fence or fences has ceased to exist, it shall and may be lawful for the said Justices in their General Sessions to order such fence or fences to be removed, and the proprietor or proprietors of such fence or fences shall not after such order have any further benefit or advantage from this Act, and the continuance of such fence or fences shall thereafter be considered and adjudged to be a nuisance upon the highway.

Sessions, upon report of commissioners, may order fences to be removed.

IV. And be it enacted, That this Act shall continue in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

Limitation.

CAP. XXVII.

An Act for the appointment of Firewards in the Parish of Woodstock.

Passed 8th March 1836.

I. **BE** it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Lieutenant Governor or Commander in Chief for the time being, is hereby empowered, by and with the advice of His Majesty's Executive Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons as firewards, not exceeding nine, resident in that part of the Parish of Woodstock described as follows, (to wit): commencing at James Upham's lower line and running up the river Saint John to Charles Marvin's upper line or what is commonly called Lane's creek, thence back one mile and down until it strikes James Upham's lower line, and thence to the place of beginning; three of the firewards shall reside at the upper corner, three at the creek, and three at the lower corner; who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the County of Carleton, and a certificate thereof endorsed on the several warrants of appointment, for which warrants and certificates no fees shall be demanded or received from the person so appointed and sworn.

Governor with advice of Council to appoint firewards.

II. And be it enacted, That in order that the said firewards may be distinguished from others when on duty at a fire, and to enable them to communicate

Firewards on duty to carry a staff and trumpet.

their directions with more facility, they shall each carry a staff seven feet in length, colored red, and also a speaking trumpet, painted white, with the name of the parish and district painted on it in black letters.

To command assistance for extinguishing fires, removing goods, and preventing tumults.

III. And be it enacted, That whenever a fire shall break out in the said district or part of the said Parish described in the first section of this Act, and during the continuance thereof, the said firewards are hereby authorised and required jointly or separately to command assistance for extinguishing the fire and removing household stuff, furniture, books, public stores, goods and merchandize out of any houses, store houses and other buildings actually on fire or in danger thereof, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire in the said district and to prevent tumults and disorders in the same; and the said firewards respectively are hereby required, upon the notice of fire breaking forth in the said district (taking their badges and trumpets with them), immediately to repair to the place and vigorously to exert their authority in requiring assistance, and to use their utmost endeavours to extinguish the fire and prevent its spreading, and to preserve and secure property and effects both public and private, and obedience is hereby required to be yielded to them, and each and every of them accordingly for that service, as well by the person or persons having the charge or management of any engine or engines in the said district as all other persons whomsoever.

On notice of fire to repair forthwith to the place and exert their authority.

Obedience to be yielded to them.

Penalty for disobeying the order of a Fireward.

Recovery.

Application.

IV. And be it enacted, That for every refusal or neglect of any person to obey the order of any fireward in performing any of the duties and services hereinbefore mentioned, such person shall forfeit and pay the sum of forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the County of Carleton on the oath of a fireward or any other credible witness, and levied by distress and sale of the offender's goods and chattels, and for want of sufficient distress such offender shall suffer ten days imprisonment unless the penalty and costs be sooner paid; which penalty when recovered shall be paid into the hands of the firewards of the said district or their Treasurer for the time being, to be applied by them towards defraying the necessary expense attending the keeping the engine or engines of the said district in a proper state of repair and equipment, and any other necessary expenses attending the keeping of the fire company of the said district in a proper state of organization.

Firewards may compel persons to form lines for conveying water.

Penalty.

V. 'And whereas it is necessary that prompt and implicit obedience should at all times during the raging of a fire be paid to the directions of the firewards;' Be it enacted, That the said firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorised when such necessity shall exist, to require and compel the persons present at any fire to fall in and form a line or ranks for the conveyance of water for extinguishing the fire, and to remain in such ranks as long as may be deemed necessary; and if any person present at a fire shall refuse to fall in or remain in any such rank when thereunto required by any fireward, such person so offending shall for each and every offence forfeit and pay the sum of forty shillings, to be recovered, levied and applied in the manner specified and provided in and by the fourth section of this Act.

Firewards may inspect stoves, hearths, fire-places and chimneys, and order discontinuance of fire in them until altered.

VI. And be it enacted, That the firewards or any two or more of them are hereby authorised and empowered from time to time and at all seasonable times in the day time to enter into any house, shop or other buildings within the limits of the said district, and to examine and inspect the manner in which any stove or stove pipes are set up, placed, fixed or carried, or any hearths, fire places or chimneys constructed or built, and if such stove or stove pipes, or such hearth, fire place or chimney shall be found (in the opinion and judgment of the said firewards or any

any two of them, and in case more than two be present, the major part of those present) so set up, placed, fixed or carried, constructed or built as to be dangerous, such Firewards are hereby authorised and empowered to give directions in writing to prevent the continuance of fire in any such stove or any such hearth, fire place or chimney, until the same shall have undergone such alterations as shall be pointed out in writing by the same firewards; and any person or persons who shall disobey any such directions of such firewards shall for each and every offence forfeit and pay the sum of three pounds, to be recovered and applied in manner aforesaid.

VII. And be it enacted, That the firewards of the said district shall at any meeting to be for the purpose holden, nominate and appoint, by warrant under the hands and seals of them or the hands and seals of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number for each engine, being inhabitants of the said district or part of the Parish of Woodstock aforesaid, to have the care, management and working of the said engine or engines, tools and instruments for extinguishing fires which may happen within the same, and to remove and displace all or any of them from time to time, and to nominate and appoint others in their stead, and fill up any vacancy which may happen at any time by death or removal or otherwise; and that the names of the said persons so appointed shall from time to time as the appointments shall be made be registered with the clerk of the Peace in the said County upon the certificate of the said firewards, and to be called the Firemen of Woodstock, and are hereby enjoined and required to be ready at a call by night as well as by day to manage, work and use the engine or engines, tools and instruments for extinguishing fires which may happen to break out within the said district.

VIII. And be it enacted, That it shall and may be lawful for the firewards for the time being of the said district, at any meeting to be holden at which the major part of them shall be present, to make and establish such rules, orders and regulations in respect of the government, conduct, duty and behaviour of the said firemen in working, managing, exercising, trying and using the engine, tools and instruments, and to impose and establish such reasonable fines and penalties upon them or any of them for default or neglect of the duties and services thereby to be enjoined or required from them, as the said firewards or the major part of them present met as aforesaid shall from time to time think meet, so that the fine or penalty shall not exceed in any one instance the sum of forty shillings, to be recovered and applied as in the fourth section of this Act; which rules, orders and regulations shall be notified to the said firemen by putting the same up at the engine-house, which engine house shall be erected near the new Episcopal church in said district.

IX. And be it enacted, That no person or persons shall carry fire into any mill or lath machine within the said district, or be allowed to use any fire in such mills or lath machines, except it be carried in well secured lamps or lanterns, and that any person or persons offending against the provision of this section shall be liable to forfeit and pay the sum of two pounds for each and every offence, to be recovered and applied as the fines in the fourth section of this Act.

X. And be it enacted, That the Justices of the Peace for the County of Carleton at any General Sessions of the Peace hereafter to be holden or the major part of them, be and they are hereby authorised and empowered to raise by assessment the sum of two hundred pounds for the purpose of purchasing an engine and various tools and instruments for the better extinguishing of fires which may

Firewards to appoint persons to have the care and management of the engines and instruments for extinguishing fires.

Firewards may make rules and regulations with penalties, for the government of the firemen.

Carrying fire into a mill or lath machine except in lamps or lanterns.

Penalty.

Justices in sessions may assess the district to purchase an engine &c.

happen

happen in said district ; such assessment to be made in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy, possess and enjoy any house, shop, mill, warehouse or other tenement or property liable to be consumed by fire within the said district ; such sum to be assessed, levied, collected and paid in such proportion and in the same manner as any other County rates can or may be assessed, levied, collected and paid under any Act or Acts in force in this Province for assessing and levying and collecting of rates in this Province for public charges.

Householders to provide buckets and ladders for their houses.

XI. And be it enacted, That as soon after the passing of this Act as the same can be procured, every householder in the said town or parish or in its immediate vicinity shall provide himself with two good leather buckets, of sufficient size to hold two and a half gallons of water, with the name of the proprietor thereof painted on the side of each of the said buckets, to be kept always ready in some convenient place in his house, and shall also provide himself with two good and sufficient ladders, one to reach from the ground to the roof of his house and the other to lay on the roof, and held at the top by two substantial iron hooks fastened to the end of such ladder, which shall extend down the roof until it meets the ladder standing on the ground, which said ladder every such householder shall keep stationary at his house in such convenient situation as will at all times afford a ready access to the top of his house when necessary ; and that on every alarm of fire in the said district every householder in the said district knowing of such alarm, and not being a fireward, shall forthwith carry his buckets so provided as above directed or cause the same to be carried to the place where the fire may be, to be there used as occasion may require ; and every person wilfully refusing or neglecting to perform any of the duties by this section of this Act imposed, shall for every such offence forfeit and pay the sum of forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of this Act are herein before directed to be recovered and applied.

On alarm of fire buckets to be carried to the place and used as may be required.

Penalty.

Limitation.

XII. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty five.

CAP. XXVIII.

An Act to provide for the expenses of the Speaker and Members of the House of Assembly.

Passed 8th March 1836.

6 **W**HEREAS it is deemed expedient to provide for the services of the Speaker and defray the expenses of Members of the House of Assembly in attending to their Legislative duties ;

Provision for the services of the speaker ;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That there be allowed and paid out of the Treasury of the Province to the Speaker of the House of Assembly, the sum of one hundred and fifty pounds for each and every Session of the General Assembly.

Expenses of the members in attending ;

II. And be it enacted, That there be allowed and paid out of the said Treasury to each and every Member of the House of Assembly for defraying the expenses of attendance in General Assembly, for each and every day's attendance the sum of fifteen shillings per day, such attendance to be certified by the Speaker.

For travelling charges.

III. And be it enacted, That for defraying the travelling charges of Members there be allowed and paid out of the said Treasury the sum of fifteen shillings per day,