

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1786. Saint John, NB: J. Ryan, 1786.

26 George III – Chapter 47

An Act for the better extinguishing Fires that may happen within the City of St John

Whereas the inhabitants of the city of St. John [Saint John] have at great charge and expense supplied themselves and are provided with two fire engines, and have undertaken to procure various sorts of poles, hooks, chains, ropes, ladders and other tools and instruments for extinguishing fires, the rage and violence of which may be in great part prevented if a sufficient number of skilful persons be appointed to have the care, management and working of the said fire engines, and other tools and instruments for extinguishing of fires, in cases of such casualty and distress that may hereafter happen.

I. Be it therefore enacted by the Governor, Council and Assembly, That from and with all convenient speed after the publication hereof, it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of St. John or the major part of them in common council convened, and they are hereby required to elect, nominate and appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept, not exceeding thirty-two in number, being freemen or freeholders of the said city, to have the care, management, working and using the said fire engines and the other tools and instruments for extinguishing of fires that may happen within the said city, which persons so to be elected, nominated and appointed as aforesaid, shall be called the Firemen of the city of St. John, and who are hereby required and enjoined always to be ready at a call, by night as well as by day, to manage, work and use the same fire engines, and others that may hereafter belong to the same city, and the other tools and instruments for extinguishing of fires that may happen or break out in the city aforesaid.

II. And in order to compel and oblige the firemen so to be elected, nominated or appointed as aforesaid, to be diligent, industrious and vigilant, in the execution and discharge of their office and duty. Be it further enacted, That the mayor, aldermen and commonalty of the said city for the time being, in common council assembled, or the major part of them, are hereby authorised and empowered to remove and displace all or any of the firemen so as aforesaid to be elected, nominated or appointed, when and as often as they shall think fit, and others in the room or places of such as they shall remove or displace, to elect, nominate or appoint and put in, and so from time to time as they the mayor, aldermen and commonalty aforesaid, for the time being, in manner aforesaid shall see convenient.

III. And be it further enacted, That the persons so to be elected, nominated or appointed firemen as aforesaid, and each and every of them from time to time, during the continuance of being in the office of firemen, and no longer, shall and are

hereby declared to be freed, exempted, and privileged from the several offices of constable and surveyor of the highways, and from being compellable to serve in the militia except in cases of invasion or other eminent danger – and the names of such persons to be elected, nominated or appointed firemen by virtue hereof, from time to time, shall be registered and entered with the clerk of the peace for the said city, and if at any time after the publication of this act and the electing or appointing firemen by virtue hereof, any such person or persons elected or appointed firemen as aforesaid, shall be chosen, elected or appointed into any of the said offices, or to serve in the militia (except as before excepted) or be disquieted or disturbed by reason thereof, that then such person or persons producing a testimonial or certificate under the hand of the mayor, recorder, or any one alderman of the said city for the time being, of such his election, nomination or appointment to the person or persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned or required to serve, execute or hold any of the said offices or duties shall be absolutely discharged from the same, and such election, nomination, return and appointment, shall be utterly void and of none effect, unless such person or persons shall voluntarily consent and agree to hold such office or serve in such militia, any order, custom, law or practice to the contrary hereof in any wise notwithstanding.

IV. And be it further enacted, That it shall and maybe lawful to and for the mayor, aldermen and commonalty of the said city for the time being, or the major part of them, met as afore-said, to make, establish and ordain such rules, orders, ordinances and regulations, in respect of the government, conduct, duty and behaviour of the persons from time to time to be by them elected, nominated or appointed firemen by virtue of this act, in the working, managing and frequent exercising, trying and using the same fire engines, tools and other instruments, and to impose and establish such reasonable fines, penalties and forfeitures, upon them or any of them, for default or neglect of the duties, businesses and services thereby to be enjoined or required from them, as the mayor, aldermen and commonalty of the same city, for the time being, or the major part of them, met as aforesaid, shall from time to time think meet and convenient.

V. And be it further enacted, That upon the breaking out of any fire within the city of St. John aforesaid, all sheriffs, under or deputy sheriffs, high constables, petty constables and marshalls, upon notice thereof, shall immediately repair to the place where the said fire shall happen, with their rods, staves and other badges of their authority, and be aiding and assisting as well in extinguishing the said fires and causing the people to work, as also in preventing goods from being stolen, and shall seize and apprehend all ill-disposed persons that they find stealing or pilfering from the inhabitants, as also that the said officers aforesaid, shall give their utmost assistance to help the inhabitants to remove and secure their said goods.