

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1824. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1824.

5 George IV – Chapter 5

An Act to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, so far as the same relate to the Town of Fredericton, and to make regulations more suitable to the said Town. Passed 11th March, 1824.

Whereas it is expedient to repeal the Laws now in force for appointing Firewards, and the better extinguishing fires, so far as the said Laws relate to the Town of Fredericton, and to make regulations more suitable to the said Town—

I. Be it therefore enacted by the President, Council, and Assembly, That the Act passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled, "An Act for appointing Firewards in in the Towns of Fredericton and St. Andrews, and ascertaining their power and duty, and more effectually to prevent fires in the said Towns;" and also an Act passed in the second year of the Reign of His present Majesty, intituled, "An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and St. Andrews;" and also an Act passed in the third year of the same Reign, intituled, "An Act in addition to an Act, intituled, 'An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and Saint Andrews;'" also an Act passed in the fourth year of the same Reign, intituled, "An Act to amend an Act, intituled, 'An Act for the better extinguishing Fires which may happen in the Towns of Fredericton and St. Andrews,'" be, and the same are hereby repealed, so far as relates to the Town of Fredericton.

II. And be it further enacted, That the Governor or Commander-in-Chief for the time being, is hereby, authorized and empowered, by and with the advice of His Majesty's Council, from time to time, by warrant under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, in the Town of Fredericton, who shall be sworn to the faithful discharge of their duty, before any one of His Majesty's Justices of the Peace of the County of York, 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.

III. And be it further 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 their directions with more facility, they shall each carry a Staff seven feet in length, coloured red and also a Speaking Trumpet, painted white, with the name of the Town painted on it in black letters.

IV. And be it further enacted, That whenever a fire shall break out in the said Town or in its vicinity, and during the continuance thereof, the said Firewards are hereby authorized and required, jointly or separately, to command assistance for extinguishing the fire, and removing household stuff, furniture, books, public stores, goods and merchandise, out of any houses, storehouses 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 Town, 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 Town (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 due 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 and management of any Engine or Engines in the said Town, as all other persons whomsoever.

V. And be it further 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 for the County of York, 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 eight days imprisonment, unless the penalty and costs shall be sooner paid; which penalty when recovered shall be paid into the hands of the Firewards of the said Town, or their Treasurer for the time being, to be applied by them towards defraying the necessary expence attending, the keeping the Engine or Engines of the said Town in a proper state of repair and equipment, and any other necessary expences attending the keeping the Fire Companies, of the said Town in a proper state of organization.

VI. 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 further enacted, that the said Firewards respectively, or any or either of them, shall have power, and they and every of them are hereby authorized when such necessity shall exist, to require and compel the persons present at any fire, to fall in and form the 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 fifth Section of this Act.

VII. And be it further enacted, That the Firewards, or any two or more of them, are hereby authorized and empowered from time to time, and at all seasonable times in the day time, to enter into any house, shop, or other building, within the limits of the said Town, and to examine and inspect the manner in which any stove or stove-pipes are set up, placed, fixed or carried, or any hearths, fireplaces or chimnies, constructed or built, and if such stove or stove-pipes, or such hearth, fireplace or chimney, shall be found, in the opinion and judgment of the said firewards, or 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 authorized and empowered to give directions in writing, to prevent the continuance of fire in any such stove or any such hearth, fireplace 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 offence forfeit and pay the sum of Three Pounds, to be recovered and applied in manner aforesaid.

VIII. And be it further enacted, That the Firewards of the said Town, shall, at any meeting to be for that purpose holden, nominate and appoint, by warrant under the hands and seals of them, or the hands and seals of the major part then 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 Town, to have the care, management, and working of the said 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 to fill up any vacancies 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 Fredericton, 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 Town.

IX. And be it further enacted, That it may and shall be lawful for the Firewards for the time being, of the said Town, at any meeting to be holden at which the major part 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 Engines, Tools and Instruments, and to impose and establish such reasonable fines and penalties upon them of 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 fifth 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, and inserting the same in the Newspaper, if any there be printed in the said Town.

X. And be it further enacted, That the Firemen within the said Town, and each and every of them, from time to time, during their continuance in the office of Firemen, and no longer, shall be, and they are hereby declared to be freed, exempted and privileged from the several offices of Constable and Surveyors of Highways, and from all Statute Labour on the Highways and Streets in the said Town, and from serving on any Juries at the General Sessions of the Peace and Inferior Court of Common Pleas, in the said County.

XI. And be it further enacted, That the Justices of the Peace for the County of York, in their General Sessions, or the major part of them, are hereby authorized and empowered to raise by assessment such sum or sums, not exceeding One Hundred Pounds, on the said Town, as the Firewards may from time to time, by estimate made out by them in writing, and produced to the said Justices of the Peace, or the major part of them, in their General Sessions, shew to be necessary, over and above such of the fines hereinbefore mentioned, as they may have received, for the sinking and constructing such Public Wells in the said Town, as the Firewards may think

necessary, for the supply of the Fire Engines at the time of any fire that may happen in the said Town, and for the necessary expences attending the keeping the Fire Company in a proper organized state, and the Engines of the said Town in a sufficient state of equipment, with Buckets, Ladders, Hooks, and other necessaries, and also, if found necessary, for the purchasing or providing one or more engines for the said Town; such assessment to be made in due proportion upon all and every the person or persons who do or shall inhabit, hold, occupy or enjoy, any House, Shop, Warehouse or other Tenement, within the said Town.

XII. And be it further enacted, That such sum or sums shall be assessed in manner aforesaid, by the Assessors of the said Town, and shall be levied and collected in the same manner as any other Parish rate or assessment in the said Town can or may be levied and collected, by virtue of any Law now in force or hereafter to be made, and to be paid, when collected, to the said Firewards, or their Treasurer for the time being, to be applied to and for the purpose abovementioned.

XIII. And be it further enacted, That the said Firewards of the said Town, shall render to the Justices of the Peace of the County of York, at their first General Sessions at the time of making the annual appointments of Town or Parish Officers, when required so to do, a full and particular account of the expenditure of all monies so to be assessed as aforesaid, and also of all fines to be recovered as aforesaid, as they may have received respectively; and any of the Firewards refusing or wilfully neglecting to render such account when required, shall be considered guilty of a contempt of such Court of General Sessions of the Peace, and it shall and may be lawful for the Justices of the Peace of the said County, or the major part of them, in General Sessions, to bring, by warrant, before them, such Fireward or Firewards, so guilty of such contempt, and if found necessary, to commit such Firewards or Fireward so offending, to prison, until such account shall be made out and render to the satisfaction of the said Court of General Sessions, or to the Treasurer of the County, in case such Court should be over before such account shall be rendered.

XIV. And be it further enacted, That no person or persons within the said Town of Fredericton, shall enter or remain in any Barn or Stable where hay or straw is, with a lighted candle, except the said lighted candle be in a good, safe, and sufficient lanthorn, and that every person or persons so offending, shall forfeit and pay the sum of Ten Shillings for each and every offence, to be recovered and applied as the fines in the fifth Section of this Act.

XV. And be it further enacted, That this Act shall continue and be in force for five years, and from thence to the end of the next Session of the General Assembly, and no longer.