

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1828. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1828.

9 George IV – Chapter 28

An Act to repeal the Laws now in force for appointing Firewards and for the better extinguishing of Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town; and for other purposes therein mentioned. Passed 5th April, 1828.

Whereas it is expedient to repeal the Laws now in force for appointing Firewards, and the better extinguishing Fires in the Town of Saint Andrews, and to make regulations more suitable to the said Town.

I. Be it therefore enacted by the Lieutenant-Governor, 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 the Towns of Fredericton and Saint 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 Saint 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better extinguishing Fires which may happen in the Towns of Fredericton and St. Andrews,'" be, and the same are hereby repealed, so far as relates to the Town of Saint Andrews.

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 Warrants under his hand and seal, to appoint a sufficient number of prudent and discreet persons, not exceeding eight, to be Firewards in the Town of Saint Andrews, 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 Charlotte, 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 Merchandize, 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 from and after the passing of this Act, upon every alarm of Fire in the said Town, or in its Vicinity, either in the night or day time, it shall be the duty of every Constable resident within the said Town, or in its immediate Vicinity, knowing of such alarm, immediately to repair (with a Staff to be provided by the Firewards for that purpose, as hereinafter directed) to the place where the Fire may be, and there to report himself to some one or more of the Firewards there present, or if no Firewards be present on his arrival, then to the first Fireward that shall thereafter arrive at the Fire, and to place himself under the immediate orders and directions of such Firewards, and to use his utmost exertions to aid and assist the said Firewards, and to obey and carry into effect all orders and directions that may be given to him by the said Firewards, or any of them at the time of such Fire.

VI. And be it further enacted, That for every refusal or neglect by any Constable resident in the said Town, or in its immediate Vicinity, to perform and fulfil any of the duties by this Act imposed upon him, such Constable shall forfeit and pay the sum of forty shillings, together with the costs of recovering the same, to be recovered upon conviction before any one of His Majesty's Justices of the Peace for the County of Charlotte, on the oath of a Fireward, or any other credible witness; and on refusal to pay the same, to be levied by distress and sale of the Offender's goods and chattles; 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 expences 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.

VII. And be it further enacted, That the Firewards are hereby authorized and required to provide a sufficient number of such proper and necessary Staves for the Constables hereinbefore mentioned, as the said Firewards, or the major part of them, may deem most fit and convenient for the said Constables to carry with them at all times of their attendance at Fires as hereinbefore directed; which Staves shall be kept at such convenient place or places as the said Firewards, or the major part of them, may direct, to be in readiness at all times when required.

VIII. And be it further enacted, That at and during the raging or continuance of any Fire that may hereafter happen, either in the said Town, or in its immediate Vicinity, if any person or persons shall refuse or wilfully omit to obey the orders of any Fireward there present, for his falling into line, or after falling into line, shall leave the same without the consent of any Fireward there present, or for his doing any other act that such Firewards may think necessary towards aiding and assisting in extinguishing such Fires, or in preserving of any property endangered by such Fire, or who shall be guilty of any disorderly conduct, in defiance of the orders of any Firewards there present, or shall in any way wilfully obstruct, or endeavour to obstruct, the carrying into effect any orders or regulations that may be then given or made by the Firewards present, or any of them, for the better extinguishing of such Fire; the Firewards present at any such Fire, or any of them, shall have full power, if he or they see fit, and he and they are hereby authorized, to order any Constable present forthwith to take such Offender or Offenders into custody, and to convey such Offender or Offenders, if such Firewards or any of them see fit, to the Common Gaol of the County of Charlotte; and the Gaoler of such Gaol is hereby required to keep such Offender or Offenders so committed, in close confinement, until delivered in manner hereinafter mentioned; and the Fireward or Firewards who may have committed any such Offender, shall immediately after such Fire shall be extinguished, and at the latest within twenty-four hours, cause such Offender or Offenders to be brought up by the Gaoler, or other person appointed for that purpose, before any of His Majesty's Justices of the Peace (not being a Fireward) resident in the said Town, to answer for such offence; and upon conviction before such Justice of the Peace, of such offence, on the oath of a Fireward or any other credible witness, such Offender shall forfeit and pay the sum of thirty shillings, together with the costs of recovering the same, to be levied by distress and sale of the Offender's Goods and Chattels; and for want of sufficient distress, such Offender shall suffer six days imprisonment, unless the penalty and costs shall be sooner paid; which penalty, when recovered, shall be paid and applied as in the sixth Section of this Act is directed: and all persons present at any such offence, are required to aid and assist any Constable or Fireward in carrying into effect the directions and provisions of this Act, as such Firewards, or any of them, may direct: and any Constable or other Person refusing or neglecting to obey any orders or directions of the Firewards present, or any of them, for carrying into effect the provisions of this Section of this Act, shall for every such offence be subject and liable to the like forfeiture or penalty as is imposed by the sixth Section of this Act, (for the offences therein mentioned) to be recovered and applied as in the said sixth Section is directed.

IX. 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, Fire-places, or Chimnies, 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 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 required 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 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 the manner mentioned in the sixth Section of this Act.

X. And be it further enacted, That no Person or Persons shall wantonly or wilfully set on fire, or cause to be set on fire, any Combustible Materials whatever, in the said Town, within two hundred feet of any Fence or Building; and that every Person or Persons so offending, shall forfeit and pay the sum of Forty Shillings for each and every such offence, to be recovered and applied as the fines in the sixth Section of this Act.

XI. And be it further enacted. That no Person or Persons, within the said Town of St. Andrews, 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 sixth Section of this Act.

XII. And be it further enacted, That no Person or Persons shall carry Fire in any Street of the said Town of St. Andrews, unless the Fire be safely secured in a closely covered vessel or Fire Pan; 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 sixth Section of this Act.

XIII. 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 Saint Andrews; 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.

XIV. And be it further enacted, That it 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, 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 sixth Section of this Act; which

Rules, Orders, and Regulations shall be notified to the said Fire Men by putting the same up at the Engine House, and inserting the same in the News Paper, if any there be printed in the said Town.

XV. And be it further enacted, That the Fire men 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.

XVI. And be it further enacted, That any Person or Persons who shall at any time wantonly or maliciously injure or destroy, remove or take away, or cause to be removed or taken away, any Hook, Ladder, Bucket, or other Implement provided for the purpose of extinguishing or checking the progress of Fires in the said Town of Saint Andrews, from the proper place or places appointed for the keeping of the same, shall forfeit and pay for each and every such offence, the sum of Forty Shillings, to be recovered and applied in like manner, as in the sixth Section of this Act.

XVII. And be it further enacted, That as soon after the passing of this Act, as the same can be procured, every Householder in the said Town 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 every House owner in the said Town shall provide himself with a good and sufficient Ladder to lay on the Roof, and hold at the top by two substantial Iron Hooks fastened to the end of such Ladder, which shall extend down the Roof of the House to the Eaves, except such Houses as the Firewards or the major part of them may be of opinion from the formation of the Roof, will not require such Ladder; and in case of the absence or non-residence of the Owner or Owners of any House or Houses in the said Town, the Tenant or Tenants occupying the same, shall at the expense of his, her, or their Landlord, provide such Ladder for every such House, if so required by the said Firewards, or the major part of them; which Ladder every Owner or Occupier of such House shall keep stationary on the Roof thereof; and that on every alarm of Fire in the said Town, or in its immediate Vicinity, every Householder in the said Town, or in its immediate Vicinity, 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 the like manner as in the sixth Section of this Act.

XVIII. And be it further enacted. That the Justices of the Peace for the County of Charlotte, in their General Sessions, or the major part of them, are hereby authorized and required to raise by assessment such sum or sums, not exceeding One Hundred Pounds in any one year, 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, show to be necessary, over and above such of the fines hereinbefore mentioned, as they may

have received 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.

XIX. 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 above mentioned.

XX. 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 Charlotte, 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 Fireward or Firewards, so offending, to prison, until such account shall be made out and rendered 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.

XXI. 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 then next Session of the General Assembly, and no longer.