

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1835.* Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1835.

5 William IV – Chapter 36 (Session 1)

**An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in that part of the Parish of Saint Stephen commonly called Mill Town, and its immediate vicinity. Passed 17th March 1835.**

I. Be it enacted by the Lieutenant Governor 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 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 five, resident in that part of the Parish of Saint Stephen commonly called Milltown and its vicinity, and more particularly described as follows (to wit):— Commencing on the River Saint Croix, opposite or nearest to the house occupied by the late Josiah Hitchings, thence directly to said house, thence directly to the house occupied by Joel Hill, thence southerly to the River aforesaid, thence down said River, following the dividing line thereof, to the place of beginning;—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 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.

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 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 Parish and District painted on it in Black letters.

III. And be it enacted, That whenever a fire shall break out in the said District or part of the said Pariah 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 properly and effects, both public and private; and due obedience is hereby required to be yielded to them end 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 District as all other persons whomsoever.

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 Charlotte 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 of 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.

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 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 Firewards, 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.

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 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 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 seal 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 Saint Stephen 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 to 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 certificates of the said Firewards, and to be called the Firemen of Milltown, 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 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 instrument, 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, and, inserting the same in the newspaper of the said County.

IX. And be it enacted, That no person or persons shall be allowed to 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 and used 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 Charlotte 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 and fifty pounds, for the purpose of purchasing an Engine and various tools and instrument for the better extinguishing of Fires that may 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.

XI. 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.