

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1837. Fredericton, NB: John Simpson, Printer to the King's Most Excellent Majesty, 1837.

7 William IV – Chapter 15 (Session 2)

An Act for the appointment of Firewards and the better extinguishing of Fires which may happen in the Parish of Portland, in the County of Saint John. Passed 22d July 1837.

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 discrete persons as Firewards, not exceeding six, resident in that part of the Parish of Portland lying to the westward of a line running north and south through the aboideau [aboiteau] at the Marsh Creek, so called, who shall be sworn to the faithful discharge of their duty before one of His Majesty's Justices of the Peace of the City and County of Saint John, 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 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 Parish described in the first section of this Act, and during the continuance thereof, the Firewards are hereby authorized and required jointly or separately to command assistance 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 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 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 a sum of money not less than ten nor more than forty shillings, to be recovered upon conviction before any one of His Majesty's Justices of the Peace of the City and County of Saint John, 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 expense 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 authorized, 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 it may be deemed necessary; and if any person present at a fire shall refuse to fall in and 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 not less than ten shillings nor more than 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 authorized and empowered from time to time and at all seasonable times in the day time, to enter into any house, shop or other 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 such 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, 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 seal of the major part of them present, a sufficient number of able and discreet men willing to accept, not exceeding twenty in number to each engine, being inhabitants of the said districts or parts of the Parish of Portland 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 any or all 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 appointment shall be made be registered with the Clerk of the Peace in the said City and County upon the certificates of the said Firewards, and to be called the Firemen of Portland,

and are hereby enjoined and required to be ready as well by night as by day to manage, work and use the engine or engines, tools and instruments for extinguishing fires which may happen to break out in the said district; which Firemen and each and every of them from time to time during the continuance of being in office as such Fireman or Firemen and no longer shall be and are hereby declared to be freed, exempted and privileged from being compellable to serve in the militia, except in cases of invasion or other imminent danger.

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 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, keeping and using the engine or 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, 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 or engine houses, and inserting the same in one or more of the newspapers published in the said City and County.

IX. And be it further enacted, That within three months after the passing of this Act, every householder within the said district or part of the said Parish shall provide himself or herself with two gold leather buckets of sufficient size to hold two and a half gallons of water each, 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 as near the outer door of his or her house opening towards the street or road near which the same house may be placed as may conveniently be; and that on any alarm of fire in the said district, every householder there knowing of such alarm and not being a Fireman shall forthwith carry his or their 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 imposed, shall for every such offence forfeit and pay a sum of money not less than ten shillings nor more than forty shillings, to be recovered and applied in like manner as the forfeitures mentioned in the fourth section of this Act are directed to be recovered and applied.