

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1840. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1840.

3 Victoria – Chapter 80

An Act for the better extinguishing of Fires which may happen in the City of Saint John, and to continue a certain Act relating to the same matter therein mentioned. Passed 31st March 1840.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, by ordinance or otherwise, to establish a Fire Department in and for the said City, which said Fire Department shall consist of one Chief Engineer, and as many other Engineers, Enginemen, Firemen, Hosemen, Axemen, and Hook and Ladder men as shall and may from time to time be elected, nominated and appointed by the said Mayor, Aldermen and Commonalty, in Common Council convened; which persons so to be elected, nominated and appointed as aforesaid, are hereby required and enjoined always to be ready at a call by night as well as by day, to perform their several and respective duties, in the extinguishing of Fires that may happen or break out in the said City: Provided however, that the number of Engineers so to be elected, nominated and appointed, shall not exceed ten for each and every Fire Engine, and belonging to the said City, and that the number of Firemen, Hosemen, Axemen, and Hook and Ladder men, shall not in the whole exceed four hundred men; and provided further, that not more than ten Engineers and fifty Firemen shall be attached to each Engine.

II. And be it enacted, That the said Mayor, Aldermen and Commonalty, in Common Council convened, shall and may, if to them or the major part of them it shall seem meet, establish and organize one company of Hosemen, and also one company of Axemen, and also one company of Hook and Ladder men.

III. And be it enacted, That the said Mayor, Aldermen and Commonalty, in Common Council convened, are hereby authorized and empowered to remove and displace all or any of the members of the said Fire Department so to be elected, nominated and appointed as aforesaid, when and as often as they shall think fit, and others in the room and places of such they shall remove or displace, to elect, nominate and appoint, and put in, and so from time to time as they, the said Mayor, Aldermen and Commonalty aforesaid, in Common Council convened, shall see convenient.

IV. And be it enacted, That the persons so to be elected, nominated or appointed chief Engineer, Engineers and Enginemen, and the persons named and appointed by the said Mayor, Aldermen and Commonalty, in Common Council convened, Captain or head of the respective companies of Hosemen, Axemen, and Hook and Ladder men, and each and every of them, from time to time during the continuance of being, in either of the same offices of chief Engineer, Engineer, and Enginemen, and Captain or head of the respective companies of Hosemen, Axemen, and Hook and Ladder men, and no longer shall be 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 case of invasion or other imminent danger, and from serving upon any Jury in the Court of Quarter Sessions, or in the Inferior Court of Common Pleas, or in the Courts of Nisi Prius and Oyer and Terminer, to be holden in and for the City and County of Saint John, or in the City Court of the said City of Saint John, and also shall be exempted and free from all Statute Labour on the Highways and Streets in the said City; and that the other members of the said Fire Department so to be ejected, nominated and appointed as aforesaid, and each and every them, from time to time during the continuance as a member of the said Fire Department and no longer, shall be and are hereby declared to be freed, exempted and privileged from the several offices of Constable and Surveyor of Highways, and from being compellable to serve in the Militia, except in case of invasion or other imminent danger, and also shall be exempt and free from all Statute Labour on the Highways and Streets within the said City; and the names of such persons elected, nominated and appointed members of the said Fire Department, 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, while this Act is in operation, any such person, being a member of the said Fire Department, shall be chosen, elected and appointed into any office or situation, or be required to perform any duties from which he, by virtue of this Act, is freed and exempted, that then such person producing his warrant of appointment and a certificate under the hand of the chief Engineer or under the hands of two of the Engineers of his (at such time) being a member of and serving in the said Fire Department, and of the office or situation which he holds therein, 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 shall voluntarily consent and agree to hold such office or perform such duties, from which he is hereby exempted, any order, custom, law or practice to the contrary hereof in anywise notwithstanding.

V. And be it enacted, that every person who shall have served, between the age of twenty one years and fifty years, a member of the said Fire Department for the continued space of fourteen years in succession, and every engineman who before the passing of this Act may have faithfully served as such for an uninterrupted period of not less than fourteen years, shall be relieved by a resolution of said Mayor, Aldermen and Commonalty in Common Council convened, in which resolution not less than two thirds of the members present shall agree, from further service in such Department, or as an engineman; such person so relieved shall have, use and enjoy the same privileges and exemptions in every respect, as are allowed to the officers of such Fire Department and enginemen, by this Act.

VI. And be it enacted, That it shall and may be lawful to and for the said Mayor, Aldermen and Commonalty of the City of Saint John in Common Council convened, from time to time to make, establish and ordain such rules, orders, ordinances and regulations in respect to the government, conduct, duty and behavior of the several members of the said Fire Department, and to the working, trying and using the Fire Engines of the said City, and the tools and other instruments and implements for the extinguishing of Fires which may happen or break out in the said City, and to impose and establish such reasonable fines, penalties and forfeitures upon them or any of them, for default or neglect of the duties, business and services thereby to be enjoined or required of or

from them, as may from time to time be thought meet and convenient, not exceeding for any one offence the sum of ten pounds.

VII. And be it enacted, That upon the breaking out of Fire within the City of Saint John aforesaid, the Sheriff and all under and Deputy Sheriffs, the high Constable, and all petty Constables and Marshals, upon notice thereof, shall immediately repair to the place where the fire shall happen, with their rods, staves and other badges of their authority, and shall 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 that may be found stealing or pilfering or disorderly persons, and that the to help the inhabitants to remove and secure their goods.

VIII. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, by ordinance or otherwise, to establish and organize a Fire Police in and for the said City, which said Fire Police shall consist of such and so many persons, being Freemen and Freeholders of the said City, as the said Common Council shall from time to time appoint, and no remove and reappoint as may be by them deemed expedient; who shall be sworn to the faithful discharge of their duty as any other officer of the said Corporation is sworn.

IX. And be it enacted, That the said Common Council shall organize the said Company in such manner and under such regulations as by any ordinance of the said City they from time to time may ordain and direct, and shall have power to enforce such regulations, either by removing any person so appointed, or by fine, or both, as the said Common Council, in and by the said ordinance may establish; provided that no fine on any person belonging to such Fire Police shall exceed for any one offence the sum of ten pounds.

X. And be it enacted, That whenever a fire shall break out within the said City, the said Fire Police shall immediately repair to the place where the fire may be, and protect all property which may be removing or removed to preserve the same from the flames, and for that purpose shall and may have full power to enter any house which may be on fire, or in immediate danger, or any lands or premises connected therewith, and prevent all depredation thereon, and arrest and remove or carry to the watch house or the common gaol any person who may be found committing or attempting to commit any felony or any breach of the peace, or any idle and disorderly person, or any person who shall intermeddle with any such property, or after notice shall refuse, when required, to assist either in carrying water, or obeying any other command of such Police for the purpose of suppressing the said fire or preserving any property.

XI. And be it enacted, That from and immediately after the breaking out of any fire in the said City, any one or more of the said Police, taking with him or them any one Justice of the Peace for the City and County of Saint John, may enter any dwelling house, store out house or erection of any kind, or any yard or land, and search the same for goods, chattels, or articles of any description, stolen or suspected to have been stolen at or during the continuance of the said fire, or missing in consequence of such fire; and any goods, chattels or articles found therein, under the circumstance aforesaid, shall and may have full power and authority to convey or cause to be

conveyed to some safe place of deposit, or leave the same with the said Justice to be dealt with according to law.

XII. And be it enacted, That whenever it shall appear that any person has had in his possession any goods, chattels or articles of any description whatever, which may have been stolen, missing, lost, or taken away at any fire, or after any fire, and before the same has been restored to the owner, for the space of twenty four hours after the said fire shall cease, without notice to the owner thereof, or to some one of Her Majesty's Justices of the Peace, or of the said Police, such possession, without such notice, shall be deemed and adjudged prima facie evidence that such person has been guilty of larceny, and on conviction thereof shall suffer like punishment as in a case of larceny.

XIII. And be it enacted, That an Act made and passed in the fifty ninth year of the Reign of George the Third, intituled "An Act in addition to and amendment of an Act, intituled 'An Act to revive and make perpetual an Act authorizing the Mayor, Aldermen and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City,'" together with 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 fifty.