

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1846. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1846.

9 Victoria – Chapter 41

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 Towns of Newcastle and Chatham, in the County of Northumberland, and to make regulations more suitable for the said Towns, and for other purposes therein mentioned. Passed 11th April 1846.

Whereas it is expedient to repeal the Laws now in force for appointing Firewards, and the better extinguishing of Fires, in the Towns of Newcastle and Chatham, in the County of Northumberland, and to make regulations more suitable for the said Towns;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Firewards and Firemen already appointed for the said Towns, and each of them, shall continue and remain in office until others shall be appointed under this Act.

II. And be it enacted, That an Act made and passed in the eighth year of the Reign of Her present Majesty, intituled *An Act to continue an Ad to extend the provisions of an Act, intituled '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,'* to the Towns of Newcastle and Chatham, and their vicinities, in the County of Northumberland, be and the same is hereby repealed.

III. And be it enacted, That the Lieutenant Governor or Administrator of the Government for the time being, is hereby authorized and empowered, by and with the advice of Her Majesty's Executive 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 each Town, to be Firewards in the Towns of Newcastle and Chatham respectively, who shall be sworn to the faithful discharge of their duty before any one of Her Majesty's Justices of the Peace for the County of Northumberland, and a certificate thereof shall be endorsed on the several warrants of appointment; for which warrants and certificates no fee shall be demanded or received from the person so appointed and sworn.

IV. And be it enacted, That in order that the said Firewards may be distinguished from other persons 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 painted red, and also a speaking trumpet painted white, with the name of the Town for which they shall be appointed painted on it in black letters.

V. And be it enacted, That whenever a fire shall break out in either of the said Towns, or in the vicinity of either, and during the continuance thereof, the said Firewards are hereby authorized and required, jointly and separately, in their respective Towns, 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 of the same, and to appoint persons to take care of the same, and also to require assistance to prevent the further spreading of the fire, and to prevent tumults and disorders; and the said Firewards respectively are hereby required upon notice of a fire breaking out 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 persons having the charge and management of any engine or engines in the said Towns, or either of them, as all other persons whomsoever.

VI. And be it enacted, That from and after the passing of this Act, upon every alarm of fire in the said Towns, or in their vicinities, either in the night or day time, it shall be the duty of every Constable resident within the said Towns, or in their immediate vicinities, 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 Fireward 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, during such fire.

VII. And be it enacted, That for every refusal or neglect by any Constable resident in either of the said Towns, or in their immediate vicinities, respectively 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 Her Majesty's Justices of the Peace for the said County of Northumberland, 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 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 proper Town, or their Treasurer for the time being, to be applied by them towards defraying the necessary expenses attending the keeping the engine or engines of the said Town in a proper state of repair and equipment, and other necessary expenses attending the keeping the Fire Companies of the said Town in an efficient state.

VIII. And be it enacted, That the said Firewards are hereby respectively 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.

IX. And be it enacted, That at and during the raging or continuation of any fire that may hereafter happen in either of the said Towns, or in its immediate vicinity, if any person or persons shall refuse or wilfully omit to obey the orders of any Fireward of such Town there present, for his falling into line, or shall leave the same without the consent of any such Fireward there present, or for his doing any other act that such Fireward may think necessary and direct towards aiding and assisting in extinguishing such fires, or in preserving any property endangered by such fire, or who shall be guilty of any disorderly conduct in defiance of the orders of any such Fireward 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 such Fireward then present for the better extinguishing of such fire; such Firewards present, or any of them, shall have full power, and he or they are hereby authorized, if he or they see fit, to order any Constable present forthwith to take such offender or offenders into custody, and convey such offender or offenders, if such Firewards or any of them see fit, to the Common Gaol of the County of Northumberland; and the gaoler of such gaol is hereby required to keep such offender or offenders in close confinement, until delivered in manner hereafter 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 Her Majesty's Justices of the Peace of the said County of Northumberland, (not being a Fireward,) 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 seventh section of this Act is directed; and all persons present at the commission of 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 seventh section of this Act for the offences therein mentioned, to be recovered and applied as in the said seventh section is directed.

X. And be it enacted, That the said Firewards, in their respective Towns, 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 their respective Towns, and to examine and inspect the manner in which any stove or stove-pipes shall or may be 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, so 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 such alterations or repairs as shall be directed in writing by the said

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 seventh section of this Act.

XI. And be it enacted, That no person or persons shall wantonly or wilfully set on fire or cause to be set on fire; any combustible material whatever in the said Towns, or either of them, 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 seventh section of this Act.

XII. And be it enacted, That no person or persons within the said Towns, or either of them, shall enter or remain in any barn or stable where hay or straw is, with a lighted candle or lamp, unless said lighted candle or lamp shall be in a good, safe and sufficient lantern; and that no person shall light a pipe or cigar, or smoke the same in any such barn or stable; and that every person or persons so offending in each and every of these offences shall forfeit and pay the sum of ten shillings for each and every offence, to be recovered and applied as the fines in the seventh section of this Act.

XIII. And be it enacted, That no person or persons shall carry fire in any street, lane or ally of the said Towns of Newcastle and Chatham, 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 seventh section of this Act.

XIV. And be it enacted, That the Firewards of the said Towns respectively, shall, at any meeting to be for that purpose by them holden, nominate and appoint by warrant under the hands and seals of them, or 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 Towns respectively, 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 Newcastle or Chatham, as the case may be; 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 Towns respectively.

XV. And be it enacted, That it shall and may be lawful for the Firewards for the time being of the said Towns respectively, 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 seventh section of this Act; which rules, orders and regulations, shall be notified to the said Firemen, by putting the same up at their respective engine houses, and inserting the same in the Newspapers, if any there be printed in the said Towns, or either of them.

XVI. And be it enacted, That the Firemen within the said Towns respectively, 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 in the Highways and Streets in the said Towns respectively, and from serving on any Juries at the General Sessions of the Peace and Inferior Court of Common Pleas in the said County.

XVII. And be it 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 Towns of Newcastle and Chatham, from the proper place or places appointed for the keeping of the same, shall forfeit and pay for every such offence the sum of forty shillings, to be recovered and applied in like manner as in the seventh section of this Act.

XVIII. And be it enacted, That every person owning a building in the said Towns of Newcastle and Chatham, or either of them, of two or more stories in height, 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; and in case of the absence or non-residence of the owner of any such building or buildings in the said Towns, or either of them, the said tenant or tenants occupying the same, shall, at the expense of his or their landlord, provide such ladders for every building, which ladder every owner or occupier of such house shall keep stationary on the roof thereof.

XIX. And be it enacted, That the Justices of the Peace for the said County of Northumberland, at their General Sessions, or the major part of them, are hereby required and authorized to raise by assessment such sum or sums, not exceeding one hundred pounds in any one year, on each of the said Towns of Newcastle and Chatham, as the respective Firewards may from time to time, by estimate made out by them in writing, and produced to the said Justices of the Peace 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 either of the said Towns, and for the necessary expenses attending the keeping the Fire Company in a properly organized state, and the Engines of the said Towns 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 Towns respectively, and the purchasing of a piece of land, and erecting an Engine House thereon, the title to which land shall be vested in the Justices of the Peace for the said County of Northumberland in trust for the use of

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 Town for which the assessment shall be made.

XX. And be it enacted, That such sum or sums so to be assessed in manner aforesaid by the Assessors of the said Towns respectively, 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.

XXI. And be it enacted, That the said Firewards of the said Towns respectively, shall render to the Justices of the Peace of the said County of Northumberland, at their first General Sessions, at the time of making the annual appointments of Town or Parish Officers, a full and particular account of the expenditure of all such monies to be assessed as aforesaid, and also of all fines to be recovered as aforesaid, as they may have received respectively; and in case of neglect to render such account, each and every of the said Firewards respectively, after due notice of the same being refused, shall be considered guilty of a contempt of such Court of General Sessions of the Peace, and it shall and may be lawful for such 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 shall have risen before such account shall be rendered.

XXII. And be it enacted, That for the purposes of this Act, the said Town of Chatham shall be included within the limits of that part of the Parish of Chatham lying between James Murphy's lower line and the old Napan Road; and that the said Town of Newcastle shall be included within the limits of that part of the Parish of Newcastle lying between John Wright's lower line and John M'Kenzie's lower line.

XXIII. And be it enacted, That this Act shall continue and be in force until the first day of May, which will be in the year of our Lord one thousand eight hundred and fifty, and no longer.