

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1850. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1850.

13 Victoria – Chapter 5 New Brunswick Local Acts

An Act for the better extinguishing of Fires which may happen in the City of Saint John. Passed 11th April 1850.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That an Act made and passed in the fifty second year of the Reign of His Majesty King George the Third, intituled *An Act authorising 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;* and also an Act made and passed in the fifty ninth year of the same Reign, 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;'* and also an Act passed in the third year of Her present Majesty Queen Victoria, intituled *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; and also an Act passed in the eighth year of the same Reign, intituled *An Act in addition to an Act, intituled '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Saint John, and to continue a certain Act relating to the same matter therein mentioned;'* be and the same are hereby repealed, except so far as the said Acts or any of them may repeal the whole or any part of any other Act not hereby repealed.

II. And be it enacted, 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 any bye laws or ordinances, orders, or otherwise, to establish a Fire Department in and for the said City, which said Fire Department shall consist of one Chief Engineer, and so many other Engineers, Firemen, Fire Policemen and Firewards as shall and may from time to time be elected, nominated and appointed by the said Common Council; provided that the number of Engineers and Firemen so to be elected, nominated and appointed, shall not exceed sixty for each and every Fire Engine belonging to the said City.

III. And be it enacted, That the said Common Council shall and may, and they are hereby authorized and empowered to establish and organize the said Fire Department into such and so many Companies or Divisions, and in such manner as they shall think fit, and from time to time to remove and displace all or any of the members of the said Fire Department when and as often as they shall think fit, and others in the room and places of such as they shall remove or displace, to elect, nominate and appoint.

IV. And be it enacted, That each and every person to be elected, nominated or appointed a Chief Engineer, an Engineer, and a Fireman, from time to time during his continuance in such office, and no longer, shall be freed, exempted and privileged from serving the office of Constable or Surveyor of Highways, and from serving in the Militia, except in case of invasion or other imminent danger,

and from serving upon any Jury in any Court to be held within the said City and County of Saint John, and from performing Statute Labour on Highways and Streets in the said City, and from paying the commutation money for such Statute Labour, and shall also be freed, exempted, relieved and discharged from the payment of any such City or County rates or taxes or any such portion or proportion thereof as the said Common Council may in their discretion at any time or times, by any bye law or ordinance, regulation or order, direct and appoint; and the names of such persons elected, nominated and appointed members of the said Fire Department from time to time, shall be registered and entered with the Clerk of the Peace for the said City and County; and if any such Engineer or Firemen shall be chosen, elected or appointed to any office or situation, or be required to perform any duties or make any payments from which he is hereby declared to be exempt and freed, then upon production of his Warrant of appointment, and a certificate under the hand of the Chief Engineer, of his then being and serving as such Engineer or Fireman, he shall be absolutely relieved and discharged from the same.

V. And be it enacted, That every person who shall have served as a Chief Engineer, or an Engineer or Fireman of the said Fire Department for the continued space of fourteen years in succession, and every Chief Engineer, Engineer or Fireman who before the passing of this Act may have faithfully served as such for an uninterrupted period of not less than fourteen years, shall, if the said Common Council, by a resolution in which not less than two thirds of the whole body shall agree, shall so direct, be relieved from further service in the said Fire Department, and such person so relieved shall retain, have, use and enjoy the same privileges and exemptions from serving as Constable or Surveyor of Highways, and in the Militia, and from Statute Labour, as are allowed to such Chief Engineer, and to Engineers and Firemen, by this Act.

VI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, from time to time to enact, ordain, make and establish in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations and provisions, in respect to the organization, appointment, qualification, arrangement, government, conduct, duty and behaviour of the several members of the Fire Department, or any of them, and to the care, working, management, exercising, trying and using the Fire Engines of the said City, and the tools and other instruments and implements for extinguishing fires which may happen or break out in the said City, and for compelling the attendance of the members of the said Fire Department at any such fire, 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, or by this Act enjoined or required of or from them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

VII. And be it enacted, That the said persons so to be elected, nominated and appointed to be members of the said Fire Department, are hereby required and enjoined always to be ready at a call by night and by day, to perform their several and respective duties in the extinguishing of fires that may happen to break out in the said City, and in the preservation of property thereat; and upon the breaking out of fire within the said City, the said Fire Policemen shall immediately repair to the place where the fire may be, and protect all property which may be either removed or being removed, to preserve the same from destruction or damage, and for that purpose shall and

may have full power to enter any house, or on any lands and premises connected therewith, and prevent all depredation thereon, and arrest or remove and convey to the common gaol or any watch house or police station or other place of confinement, any person who may be found committing or attempting to commit any felony or any breach of the Peace, or any idle or disorderly person, or any person who shall intermeddle with any such property, or shall refuse when required to assist either in carrying water or obeying any other command of such Fire Policemen or other person having authority for the purpose of extinguishing the fire or preserving property; and any one or more of the said Fire Policemen taking with him or them a 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 other land or premises, 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 the said goods, chattels or articles to convey or cause to be conveyed to some safe place of deposit, or to leave the same with the said Justice or any other Justice, to be dealt with according to law.

VIII. 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 forty eight hours after the said fire shall cease, without giving notice to the owner thereof, or to a Justice of the Peace, or to a Fire Policeman, 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 the punishment as in a case of larceny.

IX. And be it enacted, That upon the breaking out of fire within the City 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 in extinguishing the said fires, and causing the people to be orderly and obedient, and in removing and securing property, and in preventing goods from being stolen, and shall seize and apprehend all ill-disposed persons that may be found stealing or pilfering thereabouts, and all other suspicions, idle or disorderly persons.

X. And be it enacted, That the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, shall have full power and authority from time to time to enact, ordain, make and establish, in such manner and terms as they shall think fit, any bye laws, ordinances, orders, rules, regulations and provisions to compel the attendance of the inhabitants or any other persons to assist at the extinguishing of fires, and to prescribe the duties of such inhabitants or other persons, and to remove or prevent the construction of any hearth, fire place or chimney, stove, oven or boiler, kettle, or any apparatus used in any manufacture or business which may be dangerous in causing or promoting fires; and also to direct the construction of smoke houses, and also of deposits for ashes in safe and suitable places and of materials secure against fire; and also to regulate the graving of ships; and also the keeping, carting, conveying and transporting fire, fire brands, or live coals of fire; and also hay, straw, hemp, flax, tow, cotton, wool, rushes, firewood, boards, shingles, shavings, or other materials easily ignited; and to enforce the

proper sweeping and cleaning of chimneys; and to authorize and regulate the pulling, down and demolishing of buildings adjacent to buildings on fire, and remunerating the owners thereof; and also to regulate the keeping, carting, conveying or transporting of gunpowder, or any other combustible or dangerous material within the said City, and to provide for the forfeiture thereof if the same shall be kept, carted, conveyed or transported contrary to any bye laws, ordinance, order or regulation; and also to regulate the use of light and candles in livery stables and other stables within the said City; and also to direct the inhabitants or owners of houses within the said City to furnish and provide themselves with fire buckets, ladders, and any other such thing as may be necessary to be kept in, on or near to their respective houses or other premises, to be ready for being used in preventing and extinguishing fires; and also to make rules, regulations and restrictions to be observed by all persons in the erection of buildings to be built within the populous parts of the said City; and also to authorize such suitable officer or officers as they may think proper, at such reasonable time or times as they may direct and appoint, to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description within the said City, to examine, inspect, survey and discover whether any danger of fire exists therein, and to give order and direction concerning the same, so as effectually to provide for the safety of the inhabitants and property in the neighbourhood thereof, and to impose and establish such reasonable fines, penalties and forfeitures for any breach of the said bye laws, ordinances, orders, rules, regulations and provisions, or any of them, as may be thought fit, not exceeding for any one offence the sum of ten pounds.

XI. And be it enacted, That it shall and may be lawful for the said Mayor, Aldermen and Commonalty of the City of Saint John, in Common Council convened, to make an annual rate or assessment upon the said City not exceeding the sum of five hundred pounds in each and every year, besides the charges for assessing, levying and collecting the same, for the purpose of defraying the necessary expenses of keeping up the said Fire Department, and preserving the same in an efficient state; the said annual assessments of sums of money to be assessed, levied and collected in such manner and form as by any Act or Acts of Assembly made or be made, is or may be appointed and directed for assessing, levying and collecting any public rates or County charges within the said City of Saint John, and when collected and received, shall from time to time be paid into the hands of the Chamberlain of the said City, to be appropriated by the said Common Council for the uses and purposes aforesaid, and no other uses or purposes whatever.

XII. And be it enacted, That this Act shall continue and be in force until the first day of April which shall be in the year of our Lord one thousand eight hundred and fifty two.