

Laws of Her Majesty's Province of Newfoundland, passed in the year 1841.

4 Victoria – Chapter 4

An Act to Establish and Regulate Fire Companies in the Town of Carbonear. (Passed 26th April, 1841.)

Whereas, for the greater security of Houses and Property in the Town of Carbonear, against destructive Fires, it is deemed expedient to make provision for the Establishment and Regulation of Fire Companies in the said Town:

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, that for the purposes of this Act the Town and Suburbs of Carbonear shall be divided into Two Wards, in the form and manner following, that is to say—

First—The Western Ward of the said Town, which shall extend from the Street leading from Water-side to the Residence of William Bemister, Esquire, which shall form the Eastern boundary of the said Ward, and thence to the Residence of John Buckingham, Esquire, including and comprehending all Houses and Tenements within half a mile of the Water-side of Carbonear.

Second—The Eastern Ward of the said Town, which shall extend from the beforementioned Street leading from Water-side to the Residence of William Bemister, Esquire, and thence East to the Bridge over Crocker's Cove Brook, including and comprehending all Houses and Tenements within half a mile of high-water mark.

II. And be it Further enacted, that each of the aforesaid Wards shall have a Public Fire Company Established therein, under the Rules and Regulations herein provided, and that every Male Housekeeper living within any and each of the said Wards (saving and excepting the Judges, Magistrates, Public Officers, Clergymen, Medical Practitioners, Persons above Sixty Years of Age, and Persons with loss of Limb or other serious inability,) shall be a Member of the said Fire Company for the Ward in which lie may customarily reside, and shall have his name enrolled accordingly and shall be liable to attend at all times, and shall be subject to the Rules and Regulations hereinafter contained:

Provided always, that every Person claiming exemption from personal service, not being a Clergyman or Medical Practitioner, as aforesaid, and having a Son, Clerk, or Man Servant, of or exceeding the Age of Seventeen Years, residing in his House, shall have such Son, Clerk, or Man Servant, enrolled as his Substitute in the Fire Company for the Ward in which his House shall he situated, and shall be liable for the attendance at all times of such Substitute, and subject and liable on his behalf to all the Rules and Regulations herein prescribed, or which shall or may be made under or by virtue of this Act.

III. And be it further enacted, that immediately on the passing of this Act, and on due notice being given by two or more Justices of the Peace of the time and place of meeting in each Ward, and which notice the said Justices shall, upon requisition to them in writing, delivered and signed by any Ten Persons being Housekeepers in either of the said Wards, cause to be published in the Royal Gazette, or

other local Newspapers, all Housekeepers and others liable to serve as Members of the Fire Companies Established by this Act, shall meet at such time and place within their respective Wards, and so many as shall then attend shall choose from among themselves by Ballot in each Ward respectively, Four Wardens, One Captain, and Two Lieutenants, who shall be bound to serve in such Offices until the next General Meeting and choice of Wardens and other Officers, which General Meeting and choice of Wardens and other Officers shall thereafter and in future take place on the First Wednesday in July in each Year, and such Annual General Meeting shall be held in pursuance of Notice to be signed by at least One Warden of each of the said Wards, and which the said Wardens are hereby required to Publish in the Royal Gazette, or other local Newspapers, at least Five Days before the day before appointed for the said Annual General Meeting; and all such elections and appointments of Wardens and Officers shall continue and be in force until the time or period of the next General Meeting and Election of Officers.

IV. And be it further enacted, that the Wardens and Captains so chosen and appointed for the said Wards, shall, on the day next after the day on which they shall be so chosen and elected, all meet at some convenient place, and form themselves into a Committee, and appoint a Chairman and Secretary; and such Committee of Fire Wardens and Officers, or the majority of them, shall and may and are hereby authorized to frame and adopt Rules and Regulations for the conduct and government of the said Fire Companies and to Establish Fines for the non-attendance or neglect of duty of any Member or Members of the said Fire Companies and each of them; for the inspection of the Chimnies of all Houses in the Town of Carbonear, and for obliging the Owners and Occupiers of such Houses respectively to keep their Chimnies, and Funnels, or Stove Pipes, in safe condition and repair, and to Establish Fines and Penalties to be imposed on all and every Person or Persons whomsoever whose Chimney or Chimnies, or Stove Pipe or Funnel, shall be suffered to remain in a dangerous state or condition, or which, by reason of their dilapidated state, or want of repair, or by reason of soot accumulating therein, shall at any time or times be on fire; all which Rules and Regulations, being first approved by the Governor or Commander-In-Chief, and Published in the Royal Gazette, shall have the force of Law, and shall be as binding on all the Members of the said Fire Companies respectively, and on all House-holders and others of the Town of Carbonear, as though the same were specially enacted herein ; and all Fines and Penalties imposed under such Rules and Regulations shall and may be sued for and recovered by the Treasurer of each of the said Fire Companies respectively, in a summary way, in any of Her Majesty's Courts of Record, or before one or more Justice or Justices of the Peace; and the proceeds of all such Fines and Penalties shall be applied to the uses of the said Fire Companies.

V. And be it Further enacted, that within each of the said Wards, there shall be a Public Fire Engine, with all the necessary apparatus and appurtenances, and the same shall be kept in a House to be erected for that purpose, in the most central and convenient situation in each Ward respectively, and a Bell shall also be attached to each Engine House; and the said Engine Houses, Engines, and Appurtenances and Bells shall be under the especial charge and controul of the said Fire Wardens and Officers for the time being of the respective Fire Companies.

VI. And be it further enacted, that the said intended Engine Houses, Engines and Bells, and all Hawsers, Buckets, Ladders, Saws, Hatchets, Lanterns, and apparatus necessary to be provided for the said Fire Companies, shall be built, erected, and purchased in such manner as the Fire Wardens and

other Officers, or a majority of them, shall direct ; and shall be so built, erected, purchased and maintained at the cost and expense of the Landlords and all Lessees and other Persons deriving or receiving any Profit Rent out of Houses and Buildings in and near to the Town of Carbonear, and the amount thereof shall be raised, levied, and collected, by an Assessment or Assessments on the Rents of all Houses, Stores and Buildings, being within any of the Boundaries aforesaid, (save and except all Public Buildings, Public School Houses, and Buildings of Charitable Institutions); all which Assessments shall be raised and levied on all Landlords and all such Lessees and other Persons aforesaid receiving or deriving any Profit Rents out of such aforesaid Houses, Stores and Buildings respectively:

Provided always, that no greater Assessment shall be raised, levied, or collected on the Rent of any House, Store, or other Building, the materials of which shall consist of Stone, Brick, or other materials not of an inflammable nature, and provided the said Buildings shall be likewise covered with Tiles, Slates, Tin-plates or other materials not of an inflammable nature, than one half of the amount of the Assessment payable on the like Buildings built or constructed of Wood.

VII. And be it Further enacted, that any two or more Justices of the Peace for the District of Conception Bay, in Sessions, on the application and recommendation in writing of a majority of the Fire Wardens and Captains of Fire Companies, who shall be duly chosen as aforesaid, shall and may, and are hereby authorized and required to make an order or orders under their hands and seals, to raise and levy on the Landlords, Lessees, and other Persons aforesaid, respectively, an Assessment and rate on the appraised value of the Rents of all Houses, Stores and Buildings within the boundaries and distance aforesaid of so much in the Pound thereon, or on the estimated value thereof (where a Proprietor shall occupy his own premises) as the said Fire Wardens and other Officers, or a majority of them, shall recommend and require, and as shall in the aggregate, or total amount thereof, be sufficient to pay the cost and charges of and incident to the erection of the said Engine Houses, and the Purchase of Fire Engines and of all other apparatus needful and proper for the said Fire Companies, which valuation shall be made by and under the direction and authority of the said Wardens and Captains, or a majority of them; and also from time to time thereafter, on such application and recommendation aforesaid, to order such further Assessment or Assessments, in manner and form aforesaid, as shall be necessary to defray the expenses of keeping and maintaining the said Engine Houses, Fire Engines, Apparatus and Appurtenances in a proper and effective state of repair: Provided nevertheless that no such Rates or Assessments shall extend, or be deemed or construed to extend to any Public Building, Church, Chapel, or Place of Public Worship, nor to any Public Free School, or the Building of any Charitable Institution whatsoever.

VIII. And be it further enacted, that if any Landlord or Landlords owning, possessing, or occupying any House, Store, or Building in the Town of Carbonear, or within the limits and distance aforesaid, or any Lessee or Lessees, or other Person or Persons aforesaid, receiving or deriving any Rent or Rents out of any Houses or Buildings within the said limits, shall refuse or delay to pay the amount of any Rate or Assessment for which he or they may be liable under this Act, such Rate or Assessment shall and may be sued for and recovered in a summary way at the suit of the Treasurer or any Warden of either of the said Fire Companies, before one or more Justice or Justices of the Peace; and if Judgment be given against the Defendant or Defendants in such suit, the amount of such Judgment, together with all Costs, shall be levied on the Goods and Chattels of such Defendant or Defendants.

IX. And be it further enacted, that the Senior Warden in each Ward shall be the Treasurer of such Ward, and the Junior Lieutenant shall be the Secretary of such Ward, respectively, and the aforesaid Rates and Assessments shall be collected by such Persons and in such manner as the aforesaid Committee of Wardens and other Officers shall appoint; and the whole amount of such Rates and Assessments shall be paid to a general Treasurer of the Fire Companies, who shall be chosen from among the Wardens by Ballot at the Annual Meeting or General Meeting aforesaid.

X. And be it further enacted, that the said Treasurer shall pay no Accounts or Orders for Sums of Money on account of the said Fire Companies, unless a majority of the Wardens of the said Town of Carbonear shall sign the same; and all such Accounts shall be examined and audited by three Auditors appointed for that purpose at the Annual General Meeting of the said respective Wards; and after such Accounts shall be so audited, they shall be submitted to the said General Meeting for approval.

XI. And be it further enacted, that all the aforesaid Fire Wardens shall be duly sworn faithfully to perform the duties of their Office, and shall, while on duty, have the same powers and authority vested by Law in Conservators of the Peace; and six men of each Ward, to be nominated by the respective Wardens, shall also, being duly sworn, while on duty have the power of Special Constables.