

Laws of Her Majesty's Province of Newfoundland, passed in the year 1863.

26 Victoria – Chapter 9

An Act for the Establishment of a Fire Brigade. (Passed 25th March, 1863.)

Whereas it is expedient to establish a Fire Brigade in connection with the General Water Company:
Be it therefore Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:

I. It shall be lawful for the Directors of the General Water Company to organize a Volunteer Fire Brigade, in connection with the said Water Company, to consist of two or more Companies; each of such Fire Companies shall consist of a Captain (to be elected by the Members,) and so many Engine, Hose, Axe, and Ladder Men, as the said Directors may consider necessary: and such Companies shall be governed by such rules, as to their internal management, as they themselves shall prescribe: Provided that such rules shall be subject to the approval of the said Directors.

II. The Captains of the said Companies, in conjunction with the said Directors, and the Inspector of Police for St. John's, shall be, ex officio, Fire Wardens for the Town of St. John's, and shall form an order of Seniority amongst themselves; and upon the occasion of a Fire occurring within the said Town, the Senior Warden present, with the aid and assistance of his Co-Wardens, shall control and manage the said Brigade, and the Water of the said Company, and all means available for staying the progress of such Fire; and all persons present thereat shall be bound to obey the reasonable orders of such Senior Warden and his Assistants in that behalf; and any person refusing obedience to any such order shall be subject to a Fine not exceeding Twenty Shillings, to be recovered in a summary manner before any one Stipendiary Justice of the Peace; and any one wilfully hindering or obstructing the said Senior Warden or his Assistants, or any one acting under them in their proceedings, shall be subject to a Fine not exceeding Five Pounds, to be recovered as aforesaid, and may be arrested by any person present, and confined in Gaol until he can be brought before a Justice for adjudication and punishment: Provided that in the absence of the Captain of either of the said Companies, when such Company shall be called out, the next in command of such Company shall, for the time being, be and act as a Warden in the place of such Captain.

III. Any person convicted under the preceding section, and refusing on such conviction to pay the fine imposed upon him, may be Imprisoned, by the Justice by whom he shall be convicted, for any period not exceeding One Month, when convicted of any such obstruction as aforesaid; and not exceeding One Week, when convicted of refusing to obey the reasonable order of the said Senior Warden.

IV. It shall be lawful for a majority of the Wardens present at any Fire, if they shall consider such proceeding necessary to stay the progress of the Fire, but not otherwise, to pull down or remove any Building, or any part thereof.

V. Any Person sustaining loss or injury by such pulling down or removal, which he probably would not have suffered by the spread of such Fire, shall be compensated for the same from the funds of the

Water Company; and for the purpose of ascertaining the right of any Claimant, as well as of determining the amount of damage, if any, sustained by him, the said Directors shall appoint one Arbitrator, and the party claiming shall appoint another; the Arbitrators thus appointed shall, if necessary, appoint a third, and the decision of any two of such Arbitrators shall be final and binding upon all parties. Provided that should the two Arbitrators first mentioned not agree in the choice of a third Arbitrator, it shall be lawful for the Governor in Council, upon the application of either party, to appoint a third Arbitrator.

VI. The necessary expenses of the said Fire Brigade shall be defrayed from the funds of the Water Company; and for the purpose of providing for such expenses, it shall be lawful for the Directors of the said Company, from time to time, if necessary, but subject in all cases to the approval of the Governor in Council, to increase the rate of Assessment payable under the Acts for the incorporation and management of the General Water Company, by such amount as may be necessary for defraying the expenses occasioned by the operation of this Act; and such increased assessment shall be raised, levied and collected, in and by the means in the said Act prescribed, and under and by virtue of the powers thereby conferred.

VII. Any person who shall wilfully and knowingly give or occasion a false alarm of fire, shall, upon conviction for such offence before a Stipendiary Magistrate, in a summary manner, be committed to prison for any time not exceeding One Week.