

*The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 2

**An Act to repeal a certain Act therein-mentioned, and to provide for the Police of the Borough of William Henry, and certain other Villages, in this Province. (9th March, 1824.)**

Whereas it is expedient to repeal an Act passed in the fifty-eighth year of the reign of His late Majesty, George the Third, intituled, "An Act to provide for the Police of certain Boroughs and Villages," and to provide other enactments in lieu thereof; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act, for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and it is hereby enacted by the authority of the same, that the said Act, passed in the fifty-eighth year of His late Majesty's Reign, intituled, "An Act to provide for the Police of certain Boroughs and Villages," shall be, and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the free-holders of the Borough of William Henry [Sorel-Tracy], or of every other Borough or Village in this Province, wherein there may be within the space of fifteen arpents in superficies, or less, the number of thirty inhabited houses at least, or within any greater extent of ground, a greater number of houses, not more than half an arpent apart from each other, shall meet at such place, and on such day to be fixed by the senior Justice of the Peace, residing at or nearest to such Borough or Village, by a public notice, read aloud, and posted at the Church door of the Parish in which such Borough or Village shall be situate, on two Sundays or Obligation Holydays, immediately after Divine Service in the forenoon, which day, for the meeting of the Freeholders, shall not be sooner than fifteen days after such notice; and in case the nearest Church shall not be within the distance of a league from any such Borough or Village, then such day for the meeting of the Freeholders shall be notified in writing, and posted up at least at three of the most frequented places in such Borough or Village; and such meeting shall not be sooner than twenty-one days after such notice so given as aforesaid; and the said Freeholders shall, at such meeting, proceed to the election of five Freeholders, who shall be chosen by a majority of the votes of the Freeholders, then and there present, to be Trustees; and the said Trustees, when chosen, shall possess the several powers herein-after specified; and the said senior Justice of the Peace, or the eldest Captain of Militia residing in or nearest to the said Borough or Village, present at such meeting, shall preside thereat, and shall declare five persons then having the greatest number of votes, duly elected Trustees, and shall prepare or cause to be prepared an Acte thereof, and shall deposit such Acte with the nearest Notary, and of which every person concerned, shall have a copy.

III. And be it further enacted by the authority aforesaid, that the Trustees who shall have been so as aforesaid chosen, shall, after the day of their election as such, remain in office for two years, and no longer, and shall be replaced by an equal number of Freeholders, chosen after the like notice, or appointed in the same manner as by this Act is provided for the election or appointment of the Trustees, who, after the passing of this Act, are to be first chosen or appointed.

IV. Provided always, and be it further enacted by the authority aforesaid, that in case the said Freeholders in the said Borough of William Henry, or in any of the several Villages in this Province, within the meaning of this Act, shall not, within the space of three calendar months after the passing thereof, proceed to the election of Trustees as aforesaid, then it shall be the duty of the Justices of the Peace residing in the said Borough, or in or near to any of the said Villages, wherein the inhabitants shall not have proceeded to such election, or of any two of them, on a requisition in writing to that effect, signed by three Freeholders of the said Borough or Village, to name and appoint the Trustees for the purposes of this Act, and of which it shall be the duty of the Justices having named and appointed such Trustees to give public notice, by an advertisement published in the manner as herein above described, for the assembling of the Freeholders in the said Borough and Villages, within fifteen days next after the day of such nomination and appointment; which Trustees in such case so named, shall serve for two years, and shall be then replaced in the manner directed by the third clause in this Act.

V. And be it further enacted by the authority aforesaid, that the said Trustees shall choose one, from among themselves, to be an Inspector in and for the said Borough or Villages respectively, which said Inspector shall cause to be executed, the Rules and Regulations herein-after provided, and shall, in case of delinquencies, prosecute for and recover the fines and penalties herein-after provided and imposed; and in case of the absence of such Inspector, any one of the said Trustees is hereby authorised and empowered to perform the duties of the said Inspector, during his absence, as aforesaid.

VI. And be it further enacted by the authority aforesaid, that every proprietor in the said Borough or Villages as aforesaid, who being elected or chosen as Inspector, as well as the several Trustees chosen or named, in the said Borough or Villages, who shall refuse or neglect to act as such Inspector or Trustees, shall incur and pay for each and every refusal or neglect, respectively, a sum not exceeding two pounds currency, nor less than five shillings currency.

VII. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Inspectors, in the said Borough and Villages respectively, to prohibit all public encroachments and nuisances on the streets, lanes, and public places thereof, of every description, by whomsoever committed, and to prosecute for the removal or abatement thereof.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the Inspector of the said Borough, or Villages, to visit any houses, outhouses, or other buildings in the said Borough, or Villages, when and as often as he may be informed of any offence against this Act, having previously obtained a permission, in writing, to that effect from any Justice of the Peace, and every proprietor or occupier of a house, out-house, or other building, who shall refuse admittance to the Inspector, having such permission as aforesaid, into such house, out-house, or other building, for the purpose aforesaid,

between the hours of nine in the forenoon and four in the afternoon, shall incur a penalty of ten shillings, current money of this Province.

IX. And be it further enacted by the authority aforesaid, that the said five Trustees, or a majority of them, may, if they see fit, upon the requisition hereinafter mentioned, fix a market place, if there be not one already established in such Borough or Village which shall not be changed during the continuance of this Act.

X. And be it further enacted by the authority aforesaid, that the following articles shall be taken and considered, and the same are hereby declared to be rules and regulations of Police, for the said Borough or Villages, that is to say;

ARTICLE FIRST—All and every the Proprietors of a House or Houses in the aforesaid Borough or Villages, shall, from and after the passing of this Act, place or cause to be placed a ladder or ladders on the roof of their respective houses, near to or adjoining the chimney or chimneys, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid, under the penalty of five shillings for every neglect so to do, and of ten shillings, currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders as aforesaid.

SECOND—All and every householder or householders in the said Borough or Villages, shall, from and after the passing of this Act, be held to furnish and provide himself or themselves, with two Buckets, fit and proper for carrying or conveying water, in case of accident by fire, under the penalty of two shillings and six-pence, for each Bucket which may be deficient; and every such householder as aforesaid shall be bound and obliged to provide himself with a Battering Ram, eight feet in length by five inches in diameter, to be kept in the garret of each and every house as aforesaid, under a penalty of five shillings, for each and every week during which they shall neglect so to provide themselves therewith.

THIRD—Any person or persons who shall enter into any barn, outhouse or stable, within the limits of the aforesaid Borough or Villages, with a candle or lamp, without having the same well enclosed in a lantern, shall, for every such offence, incur a fine and penalty of five shillings, current money aforesaid; and any person or persons who shall enter into any barn; stable or outhouse, within the limits of the aforesaid Borough or Villages, with a lighted pipe or cigar, or carry any fire not properly secured, into such barn, stable or outhouse, shall, for every such offence, incur a penalty of five shillings, currency.

FOURTH—No person or persons in the said Boroughs or Villages, shall be allowed to light or have a fire in any wooden house or out-house of any description, within the limits of the aforesaid Borough or Villages, unless the same be in a chimney or in a stove of iron or other metal, under a penalty of five shillings, currency, for each offence.

FIFTH—All and every person or persons who shall carry or convey fire into or through any street, lane, place, yard or garden in the said Borough or Villages, or cause fire to be carried or conveyed, without having the same confined in some copper, iron, or tin vessel, shall, for every such offence, incur a

forfeiture and penalty of two shillings and six pence, currency, and for every such offence of a like nature, a further forfeiture and penalty of five shillings, currency.

SIXTH—Any person or persons who shall put, or cause to be put or placed any hay, straw or fodder, in any dwelling house, within the limits of the said Borough or Villages, shall incur a penalty of five shillings, currency, for the first offence, and a penalty of ten shillings, currency, for every week during which they shall neglect to remove the said hay or straw from the said dwelling-house.

SEVENTH—That it shall not be lawful for any Baker, Potter, Brewer, Manufacturer of Pot and Pearl Ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of the aforesaid Borough or Villages, unless the same adjoin a chimney of stone or brick, which chimney shall rise at least three feet higher than fife house or building in which the said oven or furnace may be, under a penalty which shall not exceed ten shillings, currency, and for non-compliance with this regulation; the offender shall incur a penalty of fifteen shillings, currency, for each week, during which he shall neglect to comply therewith.

EIGHTH—All and every person or persons who shall keep or have gunpowder for sale in the said Borough or Villages, shall keep the same in boxes of copper, tin, or lead; and for every omission or neglect so to do, such person or persons shall incur a penalty of twenty shillings, for the first offence, and of forty shillings for every subsequent offence.

NINTH—Any person or persons in the said Borough or Villages, who shall sell or permit to be sold at night, in his or their houses, store-houses or shop, out-house, or other building, gunpowder, shall, on being thereof convicted, incur a forfeiture and penalty of forty shillings, currency, for the first offence, and of three pounds, currency, for every subsequent offence.

TENTH—All and every person or persons on horseback or in any calash, cart or other vehicle, who shall go at gallop, or at greater speed, than an ordinary trot, within the limits of the said Borough or Villages, shall, for every such offence, incur a penalty of five shillings, currency.

ELEVENTH—All and every person or persons who shall throw or cause to be thrown any filth, rubbish, or ordure, into any of the streets, lanes, or public places within the limits of the aforesaid Boroughs, or Villages, shall, for every such offence, incur a penalty of two shillings and six-pence, currency, and of five shillings currency, for every week during which they shall neglect to remove the same, after notification to that effect by the Inspector, or by some other person authorised by him for that purpose.

TWELFTH—It shall not be lawful for any person in the said Borough, or Villages, to conduct any stove-pipe through any wooden or lathed partition, or through any floor, unless there be a space of six inches between the pipe and the partition or floor; The pipe of every stove shall be inserted in a chimney, and there shall be left at least ten inches in the clear, between the said stoves and wooden or lathed partitions; and each and every person offending against this Regulation, shall incur a penalty often shillings currency.

THIRTEENTH—No person or persons shall erect, or cause to be erected any furnace for making charcoal of wood, within the limits of the said Borough or Villages, under a penalty of twenty shillings, currency.

FOURTEENTH—Any person who shall light a fire in any of the streets, lanes, or public places of the said Borough or Villages by this Act intended, shall, for every such offence, incur a penalty of five shillings, currency.

FIFTEENTH—Any person or persons, who shall, in the Borough or Villages aforesaid, keep or deposit any ashes, or cinders of any kind, (ashes in the possession of manufacturers of pot and pearl ashes excepted,) in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall, for every such offence, incur a fine and penalty of five shillings, currency.

SIXTEENTH—Any person or persons who shall, in the Borough or Villages aforesaid, place or deposit any quick or unslacked lime, in any house, outhouse or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall, for every such offence, incur a penalty of five shillings, currency, and a further penalty of ten shillings, currency, for each day, until such lime shall be removed or secured to the satisfaction of such Inspector, and in such manner as not to cause any accident by fire.

SEVENTEENTH—Any person who, through negligence, shall permit any hog or hogs, horse or horses, goat or goats, sheep or other cattle to him belonging, at any time, or poultry during the summer, to stray at large in any of the streets, lanes or public places within the limits, of the Boroughs or Villages aforesaid, shall incur a penalty of one shilling, currency, for each offence as aforesaid.

XI. And be it further enacted by the authority aforesaid, that the penalties and forfeitures appointed by this Act, shall be sued for within ten days after the offence for which they shall have been incurred, and not afterwards.

XII. And be it further enacted by the authority aforesaid, that all penalties and forfeitures, incurred by any person or persons resident or living in the aforesaid Borough, or Villages, shall be sued for and recovered by the said Inspector in and for the said Boroughs, or Villages, by information before any one Justice of the Peace of the District, residing in or near to the said Borough, or Villages, if any there be, or else before any other Justice of the Peace within the County, provided the distance from the said Boroughs or Villages, do not exceed five leagues, who shall hear and determine such information in a summary manner, and upon the oath of one credible witness, being other than the informer, and shall cause such penalty or forfeiture to be levied by Warrant, to seize and sell the goods of the offender; and the whole of such penalty or forfeiture shall go to and be applied to the repairs and improvement of the streets, avenues and lanes of the said Borough, or Villages, by the said Inspector and Trustees.

XIII. And be it further enacted by the authority aforesaid, that any Inspector or Trustee of the said Borough, or Villages, who shall neglect or omit to fulfil any of the duties imposed upon the said

Inspector, and Trustees, shall, on being thereof convicted in manner aforesaid, incur a forfeiture and penalty of five shillings, current money of this Province.

XIV. And be it further enacted by the authority aforesaid, that if any person, convicted under and in virtue of this Act, shall think himself aggrieved by such conviction, he may appeal therefrom to the next Court of General Quarter Sessions for the District in which such conviction shall have been obtained; provided he do first deposit the money forfeited upon such conviction into the hands of the Justice of the Peace before whom such conviction shall have been made; and if such conviction be reversed, the money so deposited shall be restored to the Appellant; but if the same shall be affirmed, the said money shall be paid over to the aforesaid Inspector or Trustees, or to such person as they shall appoint, for the purposes aforesaid.

XV. And be it further enacted by the authority aforesaid, that separate copies of the Articles herein above enacted and provided, shall forthwith, after the passing of this Act, be printed and distributed as the Laws enacted in this Province are printed and distributed throughout the same; and a copy of the said Articles shall, by the Rector or Curé of each Parish, be delivered over to and remain with the Church-Warden on duty, (en charge) for the time being, to be preserved among the papers of the Fabrique; and it shall be the duty of the Church-Warden on duty (en charge) to read, or cause the same to be publicly read, to the end that the public may have a full and perfect knowledge of the said articles, on three Successive Sundays, immediately succeeding the day upon which he shall have received a copy of the said articles, immediately after Divine Service in the forenoon.

XVI. And be it further enacted by the authority aforesaid, that this Act shall have continuance, and be in force until the first day of May, which will be in the year of our Lord, one thousand eight hundred and twenty-six, and no longer.