

The Provincial Statutes of Lower-Canada, Being the third session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1827.

7 George IV – Chapter 11

An Act to provide regulations concerning the Beaches or Strands and Landing Places in Quebec. (7th March, 1827.)

Whereas for the convenience of the inhabitants of the City of Quebec, it is expedient to keep such of the Beaches or Strands of the River St. Lawrence and St. Charles in the City and Banlieu of Quebec, as are not private property, in good order, and to keep free and open the issues and avenues of all the Streets which terminate either at the River St. Lawrence, or the little River Saint Charles:—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 be it further enacted by the authority of the same, that it shall be lawful for the Justices of the Peace residing in the City of Quebec, at a General Meeting to be specially convened by the Clerks of the Peace of the District of Quebec, and held for the purpose, on the Tuesday in the last week of the month of April, yearly, during the continuance of this Act, to appoint one or two Inspectors of the Beaches or Strands in the City and Banlieu of Quebec, with such salary out of the funds appropriated for the keeping and repairs of the Streets of the said City, not exceeding forty pounds, currency, per annum, for each, as the said Justices of the Peace, or a majority of them, shall judge expedient, which Justices, or a majority of them, at any Special Meeting, duly summoned for the purpose as aforesaid, shall also have power to remove, if need be, such Inspector or Inspectors, and others to appoint in his or their stead, for the due execution of this Act.

II. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Justices of the Peace, at a Meeting to be held for the purpose in the first week of each of the months of May and November annually, during this Act, or as soon thereafter as can be, to indicate and fix upon the place or places on the Beach or Strand aforesaid, as they shall judge most proper for depositing the rubbish and snow which is usually conveyed to and cast upon the Strand in the City or Banlieu of Quebec.

III. And be it further enacted by the authority aforesaid, that no person shall dig, take, or carry away sand for building or for any other purpose, from the said Beach or Strand, unless from the Shoals or Islets, at low-water, in the River St. Charles, under the penalty of five shillings, currency, for every offence in contravention to this Act.

IV. And be it further enacted by the authority aforesaid, that the said Justices of the Peace shall also, at such Meeting as aforesaid, indicate and fix upon the place where the Boat-men (Bateliers) occupied in the conveyance of stone for building and other purposes in the said City, shall deposit the same, and fix a penalty not exceeding five shillings, currency, for every offence in contravention to their order in this respect.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the Inspectors so as aforesaid to be appointed, to compel persons conveying timber, deals, boards, or fuel to any of the Landing-places on the Beach or Strand in the City or Banlieu of Quebec, to leave free and open all streets, lanes, roads, fords, issues and avenues leading to and from the water side, so that the communication for carts, and persons on horseback or on foot, may be entirely free and open to low-water mark, and in cases where any crib or raft shall, by stress of weather or the tides, have unavoidably been so placed as to obstruct any such street, lane, road, ford, issue, or avenue, the owner or person in charge of such crib or raft, shall be bound to take away or remove the same at the next ensuing tide, if possible, under a penalty not exceeding five shillings, currency.

VI. And be it further enacted by the authority aforesaid, that no person shall pile any timber for building, deals or boards on any public place along the Beach or Strand, or landing places in the said City or Banlieu, and that no such timber for building, deals or boards, shall be left on any such Beach, Strand or Landing place, more than a time reasonable and sufficient for discharging and taking away the same, which time shall, if necessary, be determined by the Inspector, according to the quantity of such timber for building, deals or boards, and the extent of ground occupied by the same, under the penalty of a sum not exceeding five shillings, currency, per day, for every day of contravention to this Act.

VII. And be it further enacted by the authority aforesaid, that in all cases where the owner or owners, or persons having charge of wood so piled and arranged on the public ground, or having charge of such crib or raft, shall not comply with the orders of the said Inspector to take away such wood and remove such cribs or rafts, then and in any such case it shall be lawful for the Inspector to cause the same to be taken away and removed at the cost and charges, risk and peril of the owners, and even to cause the same to be kept by one or more guardians, if they remain on the Beach or Strand, or to pay rent for the ground, if they be conveyed to the shore, and all expenses of conveyance and keeping such timber, cribs or rafts, also the amount of the rent to be paid for such timber, cribs or rafts shall be taxed by any two Justices of the Peace in Weekly Session, and the amount shall be levied by seizure and sale of the whole or such part of such timber, cribs or rafts as may be necessary to satisfy the same, according to the nature of the case; Provided always, that no such Inspector shall have power or authority to cause to be conveyed away such timber so piled on the public ground, nor such cribs or rafts to be taken away and removed, nor to name and appoint one or more guardians until he shall previously have obtained the leave or permission in writing to that effect, from any two Justices of the Peace residing in the said City of Quebec.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the Inspectors appointed under this Act to prosecute offences committed against the same, and this within fifteen days after the offence, and not afterwards; and that all such offences shall be prosecuted in a summary manner before any two Justices of the Peace at their weekly sittings, by Bill, plaint or information, and the fines and penalties imposed shall, with the costs of prosecution be levied by seizure and sale of the goods and chattels of the offender, or of the timber, crib or raft, or other material in question, the surplus, if any, being returned to the owner and in cases where the Inspector is not the prosecutor, one half the penalty shall go to the prosecutor who shall also, over and above the same, be entitled to recover his disbursements in and about the prosecution.

IX. And be it further enacted by the authority aforesaid, that the fines and penalties imposed by and levied under this Act, and not herein otherwise disposed of, shall be paid into the hands of the Road Treasurer for the said City, to constitute a fund towards the salaries to be allowed the said Inspectors, which shall be paid quarterly, by an order to that effect at any general meeting of the Justices of the Peace residing in the City of Quebec.

X. And be it further enacted by the authority aforesaid, that the said Inspectors shall in all cases be competent witnesses in prosecutions for offences against this Act, but shall not be entitled to any part of any fine arising from the same.

XI. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend nor be construed to extend to affect any of the powers and authorities by law entrusted to the Trinity House, with respect to the Cul-de-Sac, or other jurisdiction vested in that Corporation.

XII. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed in any wise to affect the rights of His Majesty, nor of any body politic or corporate, or any person whatsoever, in the said Beach or Strand, or in any part thereof.

XIII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand, eight hundred and twenty-nine, and no longer.