

Second Sec.
tion. of 36 Geo
S. Cap. 5, re-
pealed.

“ sion for the Government of the said Province” ; And it is hereby enacted by the authority of the same, that the second section of the said Act passed in the thirty-sixth year of the Reign of His late Majesty, intituled, “ An Act for the safe custody and registering of all Letters Patent, whereby any grant of the Waste or other lands of the crown lying within this Province shall hereafter be made,” shall be and the same is hereby repealed.

Copies of
letters patent
of record in
the office of
the Secretary
of the Pro-
vince to be
allowed as
Evidence in
all Courts of
Law in this
Province.

II. And be it further enacted by the authority of the same, that all copies of Letters Patent so deposited, as in the last mentioned Act is required, and of Record in the office of the Secretary of the Province, which shall be duly certified to be such, under the hand and signature of the Secretary of the Province for the time being, or his Deputy lawfully appointed, shall be allowed and taken to be authentic, and as such shall be received as evidence in all His Majesty's Courts of Law in this Province, where such copies shall be produced.

C A P. LVII.

AN Act to suspend, for a limited time, certain Ordinances therein-mentioned, as far as the same relate to the City of Montreal, and to establish a Society therein for preventing Accidents by Fire.

(14th March, 1829.)

Preamble.

Part of the
Ordinances of
the 17th and
50th Geo. III.
for preventing
accidents by
fire suspend-
ed.

WHEREAS experience has shewn that the following Ordinances, that is to say, an Ordinance passed in the seventeenth year of the Reign of His late Majesty, George the Third. intituled, “ An Ordinance for preventing Accidents by Fire,” and an Ordinance passed in the thirtieth year of the Reign of His late Majesty aforesaid, intituled, “ An Act or Ordinance to amend an Act or Ordinance for preventing Accidents by Fire,” passed in the seventeenth year of His Majesty's Reign, are insufficient ; and whereas it is necessary to suspend the same, and to provide more ample and efficacious means for preventing conflagrations in the City of Montreal, and in case of conflagration for arresting more promptly the progress 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*

“ making more effectual provision for the Government of the Province of Quebec, in North America, and for making further provision for the Government of the said Province.” And it is hereby enacted by the authority of the same, that the said Ordinance passed in the seventeenth year of the Reign of His late Majesty George the Third, intituled, “ An Ordinance for preventing accidents by Fire,” and also the said Act or Ordinance passed in the thirtieth year of the Reign aforesaid, intituled, “ An Act or Ordinance to amend an Act or Ordinance for preventing accidents by Fire, passed in the seventeenth year of His Majesty’s Reign,” shall be, and the same are hereby respectively suspended during this Act, as far as they concern the town and suburbs of Montreal.

Association
to be formed
in Montreal
under the
name of Fire
Society, to be
composed of
thirteen mem-
bers.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, there shall be established in the City of Montreal an Association to be named, “ The Fire Society,” which shall be composed of thirteen inhabitants, proprietors of real property in the said City, to be nominated and appointed, as follows : that is to say, the Grand Jury of the General Quarter Sessions of the Peace to be holden at Montreal in the month of July next, shall make out a list of twenty-six proprietors as aforesaid, to be by them presented to the Justices of the Peace in the said Session, who therefrom shall select thirteen, whom they shall nominate and appoint to compose the Association or Fire Society to be established at Montreal, and annually thereafter, the said Grand Jury at such July Sessions, shall also make out and present to the Justices of the Peace, a list containing double the number of those who are to retire from office, from which list the said Justices of the Peace shall select, nominate and appoint the number of such proprietors required by this Act, to replace those members of the Society who so retire ; and the Clerk of the Peace shall, within three days thereafter, cause to be given to each of the persons appointed, in person or at their respective domiciles, notice of their appointment, and every person so appointed shall, within three days after such notice, intimate at the office of the Clerk of the Peace, their acceptance or rejection of such appointment, under a penalty, in case of neglect so to do, of Ten pounds, currency, and each and every person so appointed, who not being exempted by this Act, shall refuse to perform the duties of his office, shall incur a penalty of Five pounds, currency, and in case of refusal, absence during three months, inability or death of any of the persons so appointed, happening after such general appointment, or in case of inability or other sufficient excuse on the part of any of the persons so appointed at such general appointment, (of which inability or excuse the other persons constituting the association shall be competent judges) there shall be chosen by a majority of the votes of the persons composing the said Association another or others in his or their stead, which appointment shall

shall be preceded by a notice from the Secretary by order of the President of the said Association to each Member thereof, specifying the motive for convoking the said Association and the day, hour and place whereat the choice shall take place ; and within three days thereafter the said Secretary shall give a written notice of his being chosen, to each person so chosen, either in person or at his domicile ; and each person so chosen shall within three days after such notice intimate at the domicile of the Secretary, his acceptance or rejection of his appointment, under a penalty of Ten pounds, currency, and any person so appointed who shall refuse to perform his duty as a Member of the said Association, shall incur a penalty of Five pounds, currency, unless he shall be deemed excusable by the other Members of the Association : Provided always that no person shall be eligible as a Member of the said Association unless he be a proprietor of real property of at least the annual value of Twenty-five pounds, currency.

Proviso.

Term during which the members appointed shall continue in office.

Six of them to retire at the expiration of the first year.

How replaced.

Six or seven members to retire from year to year.

Proviso.

The members of the association to choose a president, secretary & treasurer

III. And be it further enacted by the authority aforesaid, that of the thirteen Persons to be appointed as aforesaid at the first general appointment, seven shall continue in office during two years and the six others during one year only : that is to say that at the day, hour and place where the second general appointment shall be held, all the members of the said Fire Society shall draw lots in the presence of three Justices of the Peace, to determine which six members shall retire from office at the expiration of the first year, who shall be immediately replaced by the Grand Jury at the General Quarter Sessions of the Peace in the manner and form herein before directed ; and which appointment shall be attended with the like pains and penalties with respect to the persons chosen thereat as are mentioned in the second Section of this Act, and from year to year the six or seven persons eldest in office shall alternately retire therefrom and be replaced by the Grand Jury and Justices of the Peace at the General Quarter Sessions of the Peace in the manner and form prescribed by this Act, so that no person may serve more than two years successively : Provided always that Clergymen, Members of the Legislative Council and of the Executive Council, Members of the House of Assembly, the Judges of His Majesty's Courts of King's Bench the Sheriff, the Prothonotaries of the Court of King's Bench, and the Clerks of the Peace shall be exempt from being appointed, or from serving as Members of the said Fire Society.

IV. And be it further enacted by the authority aforesaid, that within eight days after such first general appointment, the members of the said association shall assemble at the hour and place which shall have been fixed on the day of the

Such secretary treasurer not to be a member of the association.

Penalty against the person refusing to serve as president. In case of death &c. of such president, how replaced.

In the absence of the president a temporary one shall be elected. Secretary treasurer may be replaced from time to time.

The association to make rules and regulations, &c.

Proviso.

And may change and amend such rules and regulations, &c.

Such rules & amendments thereto to be

the aforesaid general appointment by the said Justices of the Peace, and shall then and there choose, by a majority of votes of the members present, a President, and a person to perform the combined functions of Secretary and Treasurer, (which Secretary Treasurer shall not, under any pretext whatever, be a member of the said association) and the President, so chosen shall serve in that capacity, under a penalty of five pounds currency, in case of refusal; and in case of refusal, death, inability, or prolonged absence, he shall be replaced without delay by a majority of votes of the association, all the members being notified to assemble for that purpose, by notice from the Secretary Treasurer, served in person on each of the members, or left at the domicile of each member of the Association, mentioning the object of the meeting, and in case of temporary absence of the President, a temporary one shall be chosen in his stead, by the majority of the votes of the members present, to preside at the meeting of the day, and the Secretary Treasurer may also from time to time be removed and another appointed in his stead by a majority of the votes of the members convoked by the President for that purpose, by notice from him, served on each member in person, or left at the domicile of each of them, at least two days before the day fixed for such election.

V. And be it further enacted by the authority aforesaid, that from and after the choice of a President and Secretary Treasurer for the Society, the Members shall without delay apply themselves to frame Bye Laws, Rules and Regulations for the welfare of the Society, to establish suitable orders therein, and to determine the duty of each officer and man under their orders; They shall also make such other Bye Laws, Rules and Regulations as they shall deem necessary for their own conduct, and that of the officers and men under their direction, when present at Fires. Provided always, that such Bye Laws, Rules and Regulations be not contrary to the Laws of this Province, nor to any provisions of this Act, and that they do not impose any fine exceeding the sum of Twenty shillings currency, on persons contravening such Bye Laws, Rules and Regulations; Provided also, that the said Society may change and amend such of the said Bye Laws, Rules and Regulations as circumstances may require, or repeal them and substitute new ones in their stead, but such Regulations, amendments or repeal shall not be made or passed but by a majority of votes of all the members of the Society duly summoned for that purpose by a written notice from the President, served in person on each member or left at the domicile of each member at least two days before the meeting; nor shall the said Regulations, amendments or repeal be valid until they shall have been submitted to the examination of the Court of King's Bench, which after having heard all the objections to the same, shall annul any part thereof which the said Court shall consider

approved by
the Court of
King's Bench.

sider contrary to this Act, and shall confirm such parts thereof as they shall deem conformable to the true sense of the same; and when they shall have been so confirmed, two Copies thereof shall gratuitously and without fee or reward be made and signed by the Prothonotaries, one of which shall remain of record in their office with the confirmation, and the other shall be delivered to the Secretary Treasurer of the said Fire Society; but the said regulations or amendments shall not be obligatory, on any one whatever, until they, with the said confirmation certified by the Prothonotaries, shall have been published in the English and French Languages, in two or more of the Public Newspapers of the said City of Montreal during two successive weeks.

And published
in the news-
papers.

The society to
fix the salary
of the secre-
tary treasur-
er.

Such secreta-
ry treasur-
er to give se-
curity for due
performance
of his duties.

President
authorized to
sue such secre-
tary in case of
malversation.

VI. And be it further enacted by the authority aforesaid, that the Fire Society convoked as aforesaid, shall fix the annual allowance to be made to the Secretary Treasurer for his trouble, care and responsibility, and the said Secretary Treasurer, before entering upon his Office shall give to the Society two good and sufficient sureties who shall be jointly and severally (*solidairement*) responsible for the due performance of his duties, which sureties shall be accepted by the President in the name of the Society, for such a sum as shall be fixed by the Society, and, in case of malversation on the part of the said Secretary Treasurer, the President shall institute against him and his sureties the necessary prosecution, for the sum which he shall have wasted or in which he shall be indebted to the said Society.

The Fire So-
ciety shall di-
vide the city
into wards.

VII. And be it further enacted by the authority aforesaid, that the said Fire Society shall from time to time, divide the City into as many Wards as it shall judge necessary, and shall assign to each Ward where there shall be Fire Engines, a number of Volunteers not exceeding twenty for each Engine, who shall be called Enginemen, and be under the immediate orders of a Captain to be chosen and assigned them by the said Society, and their duty shall be to exercise the Engines, bring them to work them at, and convey them from Fires; they shall also be subject to all other Bye Laws, Rules and Regulations to be made by the Fire Society with respect to them, according to the intention of this Act, and, from the day whereon they shall have inscribed their names on the list of volunteer Enginemen, their services may be required during one year, and in all cases of neglect of duty, they shall incur a fine of not less than five shillings nor more than ten shillings currency for each offence, and in case of death, absence or incapacity, they shall be replaced by the said Society, and each Captain and the men under his command shall be exempt from serving as Jurors, Constables or Peace Officers and in the Militia, except in case of Invasion, and from performing or paying for statute labour.

A number of
Enginemen
allotted to
each ward, un-
der the orders
of a captain.

Their duty.

Enginemen &
captain ex-
empt from cer-
tain duties.

VIII.

The society to form a company of men to be present and assist at every fire, their duties to be regulated by the society, no salary to be allowed them. They are exempted from statute labour, &c.

Penalty in case of refusal on their part to serve.

Term during which they shall serve.

How replaced

Society may appoint twelve peace officers to be present at fires

Such peace officers to be exempt from serving as Jurors &c.—they shall take an oath.

Penalty in case of refusal or neglect of duty.

At all meetings of the society, the majority shall decide.

Proviso.

Society may assist by its funds, persons wounded or hurt at a fire, &c.

VIII. And be it further enacted by the authority aforesaid, that the said Society shall also form a Company of sixty volunteers, to be commanded by a Captain and two Lieutenants, who shall be present and assist at every fire, and whose duties shall be specified in the Bye-Laws, Rules and Regulations which shall be made by the Society, and who shall have no salary nor recompense, but shall be exempt from statute labour, and from serving as jurors and in the Militia, except in case of invasion; and from and after the day when any individual shall have consented to have his name inscribed on the list of such volunteers, he shall be liable to a fine of not less than five shillings, nor more than ten shillings, currency, for each refusal or neglect of duty: and shall serve in the said Company during one year from the day of his appointment, and in case of death, absence or inability, he shall be replaced by the said Society.

IX. And be it further enacted by the authority aforesaid, that the said society shall have the power of choosing, appointing and employing twelve peace officers to be present at fires, and shall specify to them their duties, and direct them in the manner which shall be prescribed by the Regulations that may be made in this respect pursuant to this Act, and such Peace officers shall, by way of recompense, be exempt from serving as jurors in the Courts of Justice and from statute labour; and shall, before acting as special Peace officers respectively make oath before a Justice of the Peace that he will to the best of his power faithfully perform his duty, and each and every individual so sworn, shall be liable to a fine of five shillings, currency, for every refusal or neglect of duty; and shall be bound to serve during one year from the day of his appointment, and in case of his absence, death or inability, the society shall replace him.

X. And be it further enacted by the authority aforesaid, that in all Meetings of the said Society, a majority of the Members present, shall decide the subjects proposed to the best of their judgment according to the intention of this Act. Provided always that nothing shall be submitted to any such meeting, unless there be present at least seven members, which number shall in all cases form a quorum.

XI. And be it further enacted by the authority aforesaid, that the said Fire Society shall in all cases have the power of assisting, from and out of its funds, any person in its employ, who shall have received any wound or contracted any disease at any Fire, and in the case where any person in its employ shall perish at any such Fire, to appropriate towards the maintenance of his family, such sum, or annual sum, from and out of the funds as shall appear just and reasonable; as well as to bestow such rewards in money, medals or otherwise, as it shall judge

and may be
stow rewards.

judge proper and suitable, upon each and every individual who, at any Fire shall have performed any meritorious action.

In cases of
fire the mem-
bers of the so-
ciety alone
may command
persons in
their employ.

XII. And be it further enacted by the authority aforesaid, that in all cases of fire, the members of the Society alone shall superintend and command the persons in its employ.

Two justices
of the peace, &
two members
of the society
and six inha-
bitants may,
in cases of fire
cause build-
ings to be de-
molished.

XIII. And be it further enacted by the authority aforesaid, that in all cases of Fire, two Justices of the Peace and two Members of the Society, with the concurrence of any five inhabitants, being proprietors of real property in the said City, shall have the power of causing to be demolished or taken down, and may cause to be demolished or taken down, all buildings and fences which they shall deem necessary to be demolished for arresting the progress of any Fire, and that they shall not in consequence thereof be molested nor liable to any damages.

Society may
make bye-
laws and rules,
&c. for pre-
venting thefts
and depreda-
tions at fires;
such rules to
be approved
by the Court,
and may ap-
point peace
officers to en-
force such
bye-laws, &c.
Persons caus-
ing disorder,
&c. at any fire
liable to im-
prisonment or
to the pay-
ment of a fine.
Such penalty
to be sued for
by the secre-
tary before any
two Justices
of the Peace.
Persons refus-
ing to pay
such penalty
liable to im-
prisonment.

XIV. And be it further enacted by the authority aforesaid, that the said Society shall also have the power of making such bye-laws, rules and regulations, as it shall consider most proper for preventing the thefts and depredations generally committed at fires; subject, nevertheless, to the examination of the said Courts as aforesaid; and the same shall be executory after approval and publication as directed by this Act; and it shall have the power of appointing and employing special Peace Officers to put those regulations into execution, and each and every person present at any fire, who shall cause disorder, or refuse to lend assistance when required, or who shall not retire when ordered, or who shall abuse, maltreat, or offer violence to any member of the Society, or to any person in their employ, shall be liable to imprisonment during a space of time not exceeding twenty-four hours, upon an order to that effect by any two members of the Society (of whom one shall have been witness of the offence) or to pay a fine of five shillings currency, which shall be sued for by the Secretary, Treasurer, in the name of the Society, before any two Justices of the Peace of the said City, who shall hear and determine the complaint, in a summary manner, in their weekly sittings; and the person so convicted shall pay the said fine without delay, or in default of payment thereof and of the costs, which shall not exceed seven shillings and sixpence currency, shall be confined in the common gaol for a time not exceeding three days.

Society may
make rules
and regulations
with regard
to houses
and other
buildings.

XV. And in order to prevent more effectually accidents by Fire in the said City, be it further enacted by the authority aforesaid, that the Fire Society, as soon as it shall have been regularly organized, shall have the power to make, and

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and shall make such rules and regulations as it shall judge necessary, and to which all occupants of houses and proprietors of lots of ground in the said City shall be subject, which regulations shall extend as well to the interior as to the exterior of the houses and other buildings so occupied, and to the whole of the lots of ground on which such buildings shall stand. Provided always, that such regulations shall not be contrary to existing Laws, nor be in force until they shall have been passed, examined and published, as already directed by this Act: Provided also, that the fines to be imposed by any such rule or regulation, shall not in any case exceed five pounds currency, for each offence.

Duties of the members of the society.

XVI. And be it further enacted by the authority aforesaid, that it shall be the duty of each member of the said Fire Society, to ensure the execution of the Rules and Regulations made by the Society, in the ward assigned him, and every three months, (or oftener, if he thinks proper) to visit each house or other building in his ward, and to cause to be prosecuted all persons whom he shall find infringing the said rules and regulations; and every occupant who shall refuse admittance, into his house or other building erected on the lot of ground he occupies, to any such member of the said Society, and to the witness whom he shall take with him, shall incur a fine of ten shillings currency, for each offence; and such visits may be made at any hour in the day, between eight o'clock in the forenoon and six o'clock in the evening.

Penalty against any person refusing admittance in his house or other building to any such member and witness.

No inhabitant liable to serve for seven years after his retirement from office.

XVII. And be it further enacted by the authority aforesaid, that no Inhabitant who shall have served as a Member of the Fire Society, shall again be liable to serve as such at any time during the seven years immediately following his retirement from office.

Secretary treasurer exempt from certain duties.

XVIII. And be it further enacted by the authority aforesaid, that the Secretary Treasurer of the said Society shall be exempt from all Militia duty, (except in case of invasion) and from serving as a Juror or Peace Officer.

Establishment of a fund. Money arising from the sweeping of chimnies to form part of the said fund, how collected.

XIX. And whereas it is necessary to establish a fund from which the said Fire Society may defray its annual expenses: Be it therefore further enacted, by the authority aforesaid, that all the money arising from the sweeping of chimnies in the said City, shall form part of the fund aforesaid, and shall be delivered and paid over to the Secretary Treasurer of the said Fire Society, who is hereby authorized and required to collect and receive the same, and which when collected and received shall be employed as directed by this Act.

XX. And for the greater augmentation of the said fund, be it further enacted, by

Proprietors to pay an annual sum in lieu of keeping fire buckets.

by the authority aforesaid, that after the passing of this Act, each and every proprietor of any house, being more than one story high in the said city, shall pay annually, two shillings currency; and each and every proprietor of any house, only one story high, one shilling currency, in lieu of keeping in his house, buckets of oil-cloth or leather, to be used at fires, as by Law already provided; by means of which annual payment, he shall be exempt from keeping such fire buckets in his said house.

Persons may be employed by the society to collect the monies. Collectors to render an account to the secretary treasurer. Such collectors to give security for the due payment of such monies.

XXI. And be it further enacted by the authority aforesaid, that, to collect the said monies, the Fire Society may also employ one or several persons to whom a reasonable allowance shall be made, which Collector or Collectors shall render a faithful account of the monies by him or them received, to the Secretary Treasurer of the said Society: and the said Collector or Collectors, before entering on his or their duty, shall respectively furnish two sufficient sureties, to the satisfaction of the President, in the amount which he shall consider reasonable, as a security for the payment of the monies which he or they shall receive, and for his or their good conduct.

Monies arising from the sweeping of the chimnies payable on demand. Other monies payable in the month of July in each year.

XXII. And be it further enacted by the authority aforesaid, that the monies arising from the sweeping of the chimnies shall be payable on demand, and be regularly collected each and every month, and the money to be paid as provided by this Act, by the proprietors of houses, for each and every house that any such proprietor may possess, instead of being bound to keep Fire Buckets as aforesaid, shall be payable in the course of the month of July in each and every year, to the Secretary Treasurer, or to the Collector or Collectors, to be appointed as aforesaid.

Account of the society to be rendered quarterly, and settled at a general meeting of the members.

Such settlement to be published in the newspapers.

XXIII. And be it further enacted by the authority aforesaid, that the accounts of the Society shall be made up and rendered quarterly, and be settled at a meeting convened by the President for that purpose, which settlement shall be signed by the President, and countersigned by the Secretary Treasurer, and shall be published in the English and French languages, in at least two of the Newspapers of the said City, specifying the receipts and disbursements at the end of every year.

Chimnies to be swept every month,

XXIV. And be it further enacted by the authority aforesaid, that the said Fire Society shall cause to be swept and scraped, as effectually as possible, once every month, all chimnies actually used in the said City, by capable and experienced

a certain sum to be paid therefore by proprietors.

Penalty for opposing the sweeping of any chimney.

Prosecutions for monies to be instituted by the secretary and treasurer.

before Justices of the Peace in their weekly sessions.

Such suits to be determined in a summary manner.

Fines and costs how levied.

All fines to form part of the funds of the society.

Society shall purchase fire buckets &c.

Paupers' chimnies to be swept gratis.

rienced sweepers, and that the proprietor of each dwelling house shall pay to the Society as follows, that is to say: Six pence, currency, for each chimney of each house of two or more stories high, and three pence currency, for each chimney of each house of only one story high. And every proprietor or occupier of a house, or part of a house, who shall oppose the sweeping of any chimney actually in use, shall incur for each refusal a fine of five shillings, currency, and if such chimney or chimnies, after such refusal, shall take fire, he or she shall thereby incur a further fine of forty shillings, currency.

XXV. And be it further enacted by the authority aforesaid, that all prosecutions for the recovery of monies arising and due from the sweeping of chimnies, and for the sums which each proprietor shall be bound to pay instead of keeping in repair fire buckets in his house, as well as all other prosecutions pursuant to this Act, shall be instituted by the Secretary Treasurer, in the name of the said Society, before the Justices of the Peace in their weekly Session (and which Secretary Treasurer may also appear in and defend all actions against the said Society, according to his instructions therefrom) which Justices shall hear and determine such suits, in a summary manner, on the oath of one credible witness other than the plaintiff, and the fine as well as the costs of suit, shall be levied by Warrant of distress, seizure and sale of the moveables of the defendant; provided always that such seizure shall not be made until three days after the day on which the judgement shall have been rendered, and that the sale of the moveables seized shall not take place sooner than the second Monday after the Sunday when public notice of the time of sale shall have been given at the door of the parish church, immediately after divine service in the forenoon.

XXVI. And be it further enacted by the authority aforesaid, that all the penalties and fines imposed by this Act, shall go to and form part of the funds of the said society, and shall be paid by the Clerk of the Peace to the Treasurer of the said society, within eight days after the receipt thereof.

XXVII. And be it further enacted by the authority aforesaid, that the Fire Society shall without delay purchase at the least one hundred and fifty leather fire buckets, and such fire hooks, axes, cordage and other things as may be necessary or useful at fires, and may increase the number thereof whenever it shall find it expedient.

XXVIII. And be it further enacted by the authority aforesaid, that the said Fire Society shall not exact any allowance nor remuneration whatever, for causing to be swept the chimnies of any pauper occupying any house or part of

Proviso.

a house in the said City ; and the said society shall cause to be swept, *gratis*, the chimney or chimnies of each and every pauper, once a month as directed with respect to those who shall be able to pay the allowance mentioned in this Act. Provided always, that each and every pauper, who shall claim the benefits of this Act, shall not be exempt from paying the said allowance until he or she shall have presented to the Secretary Treasurer of the Society, a certificate of his or her poverty signed by a Priest or Minister, or Justice of the Peace residing in the said City, and every Collector who, after such certificate shall have been recognised and approved by the Society, shall exact and receive the said allowance or any part thereof, shall incur a penalty of five shillings, currency, for each offence.

Manner in which gables of houses are to be built.

Penalties against proprietors and builders for not conforming.

XXIX. And be it further enacted by the authority aforesaid, that in all Houses which shall in future be built with gables in the said City, the gable ends shall be elevated three feet above the level of the roofs, and project sufficiently at the eaves to protect the latter from the fire from adjoining Houses ; in default whereof, the proprietor shall incur a penalty of ten pounds, currency, and the builders that of five pounds currency.

No wooden house to be built in Montreal.

under a penalty,

and no fire to be made in wooden buildings.

XXX. And be it further enacted by the authority aforesaid, that after the passing of this Act, no person shall build any wooden dwelling House in the town of Montreal, under a penalty of twenty pounds currency upon the proprietor and of ten pounds currency upon the Contractor or Workman, and of the demolition of such dwelling House or Houses ; nor shall kindle fire in any wooden out-house, building or shed, under a penalty of two pounds currency for each offence.

Buildings for manufactories and distilleries &c. to be erected apart from other buildings

the same to be covered with metal, tiles or slate.

No manufactory of gun powder to be established in Montreal, under a penalty &c.

XXXI. And be it further enacted by the authority aforesaid, that no person shall hereafter be allowed to erect any building wherein to make or distil liquors, make pot or pearl ashes, oils, or beer, or put in operation any steam engine or foundery in the said town, unless the building wherein the same may be established be isolated and distant from every other house or building at least fifty feet, and be covered with metal, tiles or slate, under the penalty of twenty-five pounds currency, and of the immediate demolition of such buildings ; nor shall it be lawful to or for any person to establish in the said town or suburbs any manufactory of gun-powder under the penalty of five hundred pounds currency, and of immediate demolition of the building or place wherein such manufactory of gun powder may be established in contravention to this Act ; nor shall it be permitted to any person to have or keep in any house, out-house, or building, of any kind, within the said City, other than a public magazine

without

No person allowed to keep in his house more than twenty five pounds of gun-powder.

Penalty.

without the limits of the town, as hereinafter described, more than twenty-five pounds weight of gun-powder at one and the same time, nor shall that or a lesser quantity be so had or kept, unless the same be contained in a covered copper, lead or pewter cannister, or in a covered wooden keg or vessel, and such cannister, keg or vessel shall be secured in a leather bag, under the penalty of five pounds currency, for every default therein.

Chimnies to be constructed in a certain manner,

Under a penalty against the proprietor and builder.

XXXII. And be it further enacted by the authority aforesaid, that every Chimney which shall hereafter be built in the said City shall be smoothly plastered over the whole inside or vent thereof, with mortar containing a proper admixture of Cow dung, under a penalty of ten pounds upon every proprietor and of five pounds upon the Master Mason or other Mason employed in constructing any Chimney which shall not be so plastered.

Action to be instituted under this act, when to be commenced.

XXXIII. And be it further enacted by the authority aforesaid, that all actions to be instituted by reason of offences against this act, shall be brought within three months next after the commission of the offence, and not afterwards.

Indemnity granted to the present overseer of chimnies.

XXXIV. And whereas by the Ordinances above recited, and by this act suspended as far as the same relate to the Town and Suburbs of Montreal, the Overseer to prevent accidents by Fire was entitled to the monies arising from the sweeping of Chimnies and received moreover the annual salary of sixty pounds sterling from the Government of this Province as an allowance for sweeping the Chimnies of the poor gratis : and whereas it is equitable that the said overseer who during this act is to be deprived of the monies aforesaid, inasmuch as the Ordinances abovementioned are hereby suspended, should be indemnified for the privation of his Office and of the emoluments and income thereof : be it therefore further enacted by the authority aforesaid, that the said overseer shall be entitled in lieu of all other remuneration, to a sum of two hundred pounds currency per annum, during the continuance of this Act, which sum shall be paid him quarterly out of the funds of the said Society and on the order of the Chairman thereof by the Secretary Treasurer of the same, unless such inspector be in the mean time appointed to some other place of profit in this Province exceeding the sum allowed by this Act.

Duties of the overseer of chimnies to be vested in the members of the society.

XXXV. And be it further enacted by the authority aforesaid, that the duty assigned to the said overseer or inspector of chimnies by the fourth section of a statute passed in the fifty-ninth year of the Reign of His late Majesty George the Third, chapter eight, intituled, " An Act to repeal in part an Ordinance passed in

“ in the seventeenth year of His Majesty, intituled, “ An Ordinance for preventing accidents by fire, and for other purposes therein-mentioned,” shall after the passing of this Act, be vested in and be performed by the several members of the said fire society, and each of them shall, in the ward which shall be assigned to him, at a meeting of the said society, perform the duties imposed on the overseer or inspector of chimnies by the said section of the aforesaid Act, and in case of negligence they shall severally be liable to the like penalties, as are in and by the said section provided and imposed : Provided always that in every case where it may be necessary to prosecute for contravention to the said Act, the action shall by the said Secretary Treasurer be brought in the name of the said Society.

Proviso.

The city and town of Montreal described and defined.

XXXVI. And be it further enacted by the authority aforesaid, that by the Town of Montreal, shall be understood (relatively to this Act) that part or portion of the City and Town of Montreal, as described and defined by Proclamation of His Excellency the Lieutenant Governor Alured Clarke, on the seventh day of May, one thousand seven hundred and ninety-two, which is comprehended within the following limits, that is to say : on the south-east the river Saint Lawrence, from Lacroix's Street as far as the little River, which discharges itself at the old Market, thence the little River to the Bridge near the little Seminary, thence south-west to McGill Street, thence the middle of McGill Street prolonged across the Commissioners' square to Craig Street, thence the middle of Craig Street to Sanguinet Street, thence the middle of Sanguinet Street to the middle of Saint Louis Street, thence the middle of Saint Louis Street to the middle of Lacroix Street, and thence the middle of Lacroix Street to the River.

Public Act.

XXXVII. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such by all judges, justices of the Peace, and other persons whatever, without being specially pleaded.

Continuance of this act.

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

Application of the money to be accounted for to His Majesty.

XXXIX. And be it further enacted by the authority aforesaid, that the due application and employment of all monies to be levied by virtue of this Act, shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs or Successors shall direct.

CAP.