

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 30

An Act to amend a certain Act passed in the ninth year of the Reign of His late Majesty, intituled, "An Act to suspend for a limited time, certain Ordinances therein mentioned, as far as the same relates to the City of Montreal, and to establish a Society therein for preventing accidents by Fire." (31st March, 1831.)

Whereas it is expedient to amend a certain Act passed in the ninth year of the Reign of His late Majesty, intituled, "An Act to suspend for a limited time, certain Ordinances therein mentioned, as far as the same relates to the City of Montreal, and to establish a Society therein for preventing accidents by fire:"—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 all Bye-laws, Rules and Regulations, or amendments, or repeal thereof, which may hereafter be made by the Association mentioned in the said Act, by the name of the "Fire Society," may be submitted for confirmation to the Court of King's Bench for the District of Montreal, as provided in the said Act, or to any two of the Judges of the said Court' in vacation, and being confirmed by such two Judges, shall remain of record in the office of the Prothonotary of the Court, and shall be published in one or more of the Public Newspapers of the City of Montreal, during two successive weeks, and it shall in all respects be ordered, with respect to the said Bye-laws, Rules and Regulations in the same manner, and they shall then have the same force and effect as if they had been confirmed by the Court of King's Bench for the said District, in Term: Provided always, that no such Bye-laws, Rules or Regulations, shall be so submitted for confirmation until after due notice shall have been given, during two successive weeks in one or more of the Public Newspapers published in the said City, of the time at which they are to be submitted for confirmation.

II. And be it further enacted by the authority aforesaid, that the number of Volunteers who shall be assigned by the said Fire Society as enginemen, to each ward in which there shall be engines, shall be fifty for each engine, and not twenty as provided by the said Act; and the said fifty enginemen shall be in all respects subject to the provisions of the said Act, and shall enjoy the same privileges as the twenty Enginemen who might have been appointed under the authority of the said Act.

III. And be it further enacted by the authority aforesaid that the Captains and Lieutenants of the several Companies of Volunteers of Enginemen respectively shall not be appointed by the said Society, but at any time after the passing of this Act it shall be lawful for the Members of any such Company to assemble and elect the Captain or the Captain and Lieutenant under whose orders they are to act in conformity to the said Act hereby amended, and if such choice be approved by the said Society, the Officers so appointed shall be the Officers who shall command such Company, and if such Election be not so approved the said Members may again meet and elect others and so on from time to time until the requisite number of Officers shall be elected and approved as aforesaid: any thing to the contrary in the said Act in any wise notwithstanding.

IV. And be it further enacted by the authority aforesaid, that in all cases of fire, any three members of the said Society, and with the concurrence of at least one Magistrate, shall have the authority to cause to be demolished or taken down, all buildings and fences which they shall deem it necessary to demolish or take down, in order to arrest the progress of the fire, and shall not in consequence of their having given an order to that effect, be in any wise molested, or be responsible for any damage done in the execution thereof, any thing to the contrary in the said Act in any wise notwithstanding.

V. And be it further enacted by the authority aforesaid, that all the members of the said Society shall be exempt from all militia duty, (except in cases of invasion) and from serving as Jurors or as Peace Officers.

VI. And be it further enacted by the authority aforesaid, that every flat except the attic, in any house in the City of Montreal, shall as far as regards the provisions of this Act and of the Act hereby amended, be considered as one story, and that all stores having chimnies and entirely separate from any dwelling house, shall be rated as houses, and that instead of the sum of two shillings, directed to be paid by the said Act, the proprietor of every house in the said City shall annually pay to the Secretary-Treasurer of the said Society; one shilling currency for every story in such house or store, in lieu of keeping in his house or store, 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 or store.

VII. And be it further enacted by the authority aforesaid, that instead of the sums directed by the said Act to be paid to the said Society; the occupier, of every house or store shall pay to the said Society on each chimney swept under their Superintendence, three pence currency for every story through which such chimney shall pass, (reckoning the attic as a story if there be therein an open fire-place communicating with such chimney,) under the same penalties in case of refusal to pay the same, as are by the said Act, provided with respect to the payment of the sums therein directed to be paid for such sweeping.

VIII. 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 or store, as well as all other prosecutions under the provisions of this Act or of the Act hereby amended, shall be instituted by the Secretary-Treasurer in the name of the said Society, before one or more Justices of the Peace in Special or 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 or more credible witness or witnesses 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 the amount of such costs of suit shall in no case exceed the following charges, that is to say: For the summons, two shillings and sixpence for the service of the said summons one shilling and three pence; for the Judgment, one shilling and three pence; and for the warrant of distress, one shilling and three pence: And Provided also, that no such seizure shall be made until three days after the day on which judgment shall have been, rendered; nor shall the sale of the moveables seized 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, any thing in the said Act to the contrary of the provisions of this Act in any wise notwithstanding.

IX. And be it further enacted by the authority aforesaid, that the indemnity to be paid, under the provisions, of the Act hereby amended to the overseer to prevent accidents by fire, out of the funds of the said Society, shall be paid to him quarterly out of the said funds, and before any sum whatsoever shall be expended out of expenses as may be necessarily incurred in and about the collection of the rates and dues of which the said funds are composed and the actual expence of sweeping and scraping such Chimnies as by the said Act the Society are bound to cause to be swept and scraped in the manner therein provided.

X. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the expiration of the Act hereby amended and no longer.