

C A P. V.

AN ACT to amend An Act passed in the thirty sixth Year of His present Majesty's Reign, intituled, "*An Act for making, repairing and altering the Highways and Bridges, within this Province, and for other purposes.*"

[3d JUNE, 1799.]

Preamble.
Act 36. Geo.
III. Cap. VI.
recited.

The Cities of
Quebec and Mon-
treal formed into
two Districts, to
be called the
Town District,

To be subject to
the Rules &c. estab-
lished by the
Act 36. Geo. III.
Cap VI. so far as
they are not alter-
ed by this Act.

Such Parts of the
Parishes of Que-
bec and of Mon-
treal, not within
certain limits to
form a distinct
District, to be
called the Coun-
try District.

The parts of
the Parishes of
Quebec & Mon-
treal so separated,
to be, under the
direction &c. of
the Justices of the
Peace of the said
Cities.

The Proprietors
of Lands in the
Country Districts

WHEREAS An Act was passed by the Legislature of this Province, in the thirty sixth Year of His present Majesty's Reign, intituled, "*An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes.*" And whereas the said Act established regulations for the Towns and Parishes of Quebec and of Montreal, in the execution of which, divers inconveniencies have been found, occasioned by the too great extent of the said Parishes; and whereas it is expedient, that other Provisions be made in respect 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 of 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 Cities and Towns of Quebec and Montreal, shall respectively form a particular District, to be hereafter called, the Town District, and shall be circumscribed within the limits established for each of the said Cities and Towns, by a Proclamation of His Excellency Alured Clarke, Esquire, then Lieutenant Governor of this Province, bearing date the seventh day of May, in the Year one thousand seven hundred and ninety two, and in the thirty second year of His present Majesty's Reign.

II. Provided always, and it is hereby enacted, that the said Cities and Towns of Quebec and Montreal, shall continue respectively to be subject to the Rules and Regulations established by the Act of the Thirty sixth of His present Majesty, in as much as the said Rules and Regulations shall not have been changed or altered by this Act.

III. And be it further enacted by the authority aforesaid, that such parts of the said Parishes of Quebec and of Montreal respectively, as shall be found without the limits fixed for the Districts of the Towns of Quebec and of Montreal, by the Proclamation aforesaid, of the seventh of the month of May, one thousand seven hundred and ninety two, shall become and form a distinct and particular District, of the said Towns of Quebec and of Montreal, to be called, the Country District.

IV. Provided always, and it is hereby enacted, that the parts of the said Parishes of Quebec and of Montreal, so separated from the Districts of the said Towns of Quebec and of Montreal, shall be, and continue under the direction and inspection of His Majesty's Justices of the Peace for the said Towns of Quebec and of Montreal, respectively, and shall be subject to such Rules and Regulations as are hereafter prescribed in this Act.

V. And whereas the repairs and maintenance of the Highways in the Country Districts

to open, &c. their Front Roads and others under the same penalties as aforesaid, by the Act 36. Geo. III. Cap. VI.

Provido.

Penalty on persons who do not maintain their Front Roads.

tracts of Quebec and Montreal, will be less burthenfome and more conformable to the tenure of the Land, within the same, if reinstated under the regulations established for the Country Parishes in general, Be it therefore and it is enacted by the authority aforesaid, that the Proprietors and holders of Lands or Lots within the Country Districts of Quebec and Montreal, shall open, make, repair and maintain, as well in Winter as in Summer, their front Roads and others in the same manner and under the same fines and penalties, established by the Act herein before mentioned, passed in the Thirty sixth year of His present Majesty's Reign, for the Country Parishes: Provided always, that the repairs, maintenance and works to be performed on the said Roads, shall be made under the direction and inspection of such Persons, as may be appointed in the manner hereinafter provided. And provided also, that if the said Proprietors or Occupiers of Lands or Lots as aforesaid, do not repair and maintain in good Order, their said front Roads in a sufficient manner, and according to the directions of the Persons so appointed, it shall be lawful for the said Persons so appointed, over and above the fines and penalties provided by the aforementioned Act, of the thirty sixth year of His present Majesty's Reign, to cause the repairs to be made, at any time after twenty four hours notice, shall have been left at the dwelling house of the Defaulters, on the Roads of the said Proprietors or Occupiers of Lands or Lots as aforesaid, at the expence and cost of the said Proprietors or Occupiers, in such manner as the said Persons so appointed shall judge proper.

Surveyor, to take the sums of money necessary for the repairs of the Roads, of such Defaulters, from the Funds established by this Act.

The advances & costs of suit to be recoverable by action of debt.

VI. And be it further enacted by the authority aforesaid, that in order to provide for the advances to be made for the Repairs of the Roads of the said Proprietors or Occupiers of Lands or Lots, who shall be found in default in respect of the repairs and maintenance of the Roads as aforesaid, by the Persons so to be appointed, it shall be lawful for His Majesty's Justices of the Peace, of the Towns of Quebec and Montreal, to authorise the Surveyors of the said Towns, to take the said sums from the monies proceeding from the funds established by this Act; which advances, with the costs of suit, shall be recoverable from the Persons so offending, by an Action of Debt, in any of His Majesty's Courts within this Province, and the said Action may be instituted by the Surveyor or by the Treasurer appointed for the said Cities of Quebec and Montreal, respectively.

Justices of the Peace, to divide the Country Districts.

VII. And be it further enacted by the authority aforesaid, that His Majesty's Justices of the Peace, appointed in the Cities of Quebec and Montreal, respectively, shall have power and are hereby authorised, in their General Quarter Sessions of the Peace, or in any Special Session, which they may hold for that purpose, to divide the said Country Districts, separated from the said Towns of Quebec and of Montreal, into any number of divisions or quarters, that they may judge expedient and necessary, and shall proceed to fix such number of divisions or quarters, within one Month after the passing of this Act.

And to cause an Election of an Overseer for each Division or Quarter in the Country Districts.

Provided, that the Justices of the Peace follow the Rules and Forms

VIII. And be it further enacted by the authority aforesaid, that the said Justices of the Peace in their General Quarter Sessions of the Peace, or in any of the Special Sessions to be by them held as aforesaid, in the said Cities of Quebec and of Montreal, shall have power and are hereby authorised, to cause an election to be made of an Overseer for each division or quarter established by them, in the said Country Districts, separated as aforesaid from the Districts of the said Towns of Quebec and of Montreal. Provided always, that the said Justices of the Peace shall follow in respect to the said election, the forms and rules established in the before mentioned Act, passed in the thirty sixth

established by Act 36. Geo. III. Cap. VI. relative to the Elections of Overseers. Provided also, that they be subject to the duties established by that Act.

The first Elections to be within ten days after the establishment of the Divisions and afterwards to be at such times as are fixed by Act 36. Geo. III. Cap. VI.

Overseers to be under the directions of the Surveyors.

Proprietors &c. from 1st November to 1st May of each Year in the Cities of Quebec and Montreal to repair and maintain the Roads in front of their Houses &c.

Justices of the Peace of the Towns of Quebec & Montreal, authorized to make, repair, &c. the Winter Roads fronting Public Squares and the roads on the Rivers & beaches contiguous to the Towns of Quebec and Montreal, for which repairs the Justices are to take a sum not exceeding £50. from the Funds hereafter provided.

All Public bridges and By-roads connected with the Country Districts of Quebec and Montreal as

sixth Year of His present Majesty's Reign, relative to the Elections of the Overseers in the Country Parishes: And provided also, that the Overseers so elected, shall be each of them respectively bound to accept and perform the duties of the Office of Overseer, under the Rules established and penalties imposed by the said Act, on the Overseers of the Country Parishes.

IX. And be it further enacted by the authority aforesaid, that the said Elections shall take place for the first time, within ten days after the establishment of the divisions or quarters herein before prescribed, and shall continue thereafter to be made, at the periods fixed for the Election of the Overseers, by the before mentioned Act, passed in the thirty sixth year of His present Majesty's Reign, relative to the Country Parishes.

X. And be it further enacted by the authority aforesaid, that the said Overseers, shall act under the direction of the Surveyors, who shall or may have been nominated and appointed under the authority of this Act.

XI. And whereas the maintenance and repairs of the winter roads, within the Cities and Towns of Quebec and Montreal, are regulated and ordered to be made by the before mentioned Act of the thirty sixth year of His present Majesty's Reign, by persons employed to repair and keep up the said Roads in general, who are paid for that purpose: and whereas it has been found by experience, that such repairs and keeping in order, cannot be properly effected, and becomes too burthensome to the Public: Be it therefore and it is enacted by the authority aforesaid, that from the first day of November, until the first day of May, of each Year, all and every Proprietor or Occupier of a House, Tenement or Lot of ground, within the said Cities and Towns of Quebec and of Montreal, shall be bound to repair and maintain the roads in front of their House, Tenement or Lot of ground, respectively, conformably to the regulations of the Justices of the Peace of the said Cities of Quebec and of Montreal, and under the Inspection and direction of the Persons appointed for that purpose.

XII. And whereas there are Squares and Public Roads within the said Cities and Towns of Quebec and of Montreal, which no particular individuals are bound to repair, or maintain, in the Winter season; and whereas that, without the walls of the said Towns of Quebec and of Montreal, it is expedient, that other provisions be made for repairing and keeping in order the Winter Roads, upon the Beach, contiguous to the said Towns of Quebec and of Montreal; Be it therefore and it is enacted by the authority aforesaid, that it shall be lawful for the Justices of the Peace of the Towns of Quebec and of Montreal, and they are hereby authorized, to cause to be made, repaired and maintained, the Winter Roads, that may be found fronting Public Squares, and also to cause to be made, repaired and maintained, to the distance of three Acres towards and upon the Rivers, the Roads upon the Beach, contiguous to the said Towns of Quebec and of Montreal, for which repairs and the maintenance thereof, the said Justices of the Peace of the said Cities of Quebec and of Montreal, are authorized to take from the funds which shall be hereafter provided, a sum not exceeding twenty pounds current money of this Province.

XIII. And whereas by the separation herein before made, of the Country Districts from the Cities and Parishes of Quebec and of Montreal, it becomes necessary, that other Provisions be made for Public Bridges, for the Roads, known by the name of Bye roads,

far as they may extend in the same and all roads upon the Rivers terminating at the Cities of Quebec and Montreal, to be made, repaired &c. by the same Person in the same manner &c. as provided by Act 36. Geo. III. Cap VI.

Persons obliged to maintain &c. the Highways & Bridges over Rivers, to be under the Orders of the Justices, &c. & to be subject to the same obligations, as Proprietors &c. of Lands in the Country Districts.

All regulations contained in this Act concerning the Proprietors &c. of Lands &c. in the Country Districts, to be in force from the passing of this Act.

Proprietors &c. of Lands &c. in the Country Districts discharged from personal labour or composition for the same.

A reimbursement of the composition Monies, to be made to all Proprietors &c. of Lands, &c. in the Country Districts, who have paid for the present Year, on their producing a good Receipt.

Justices of the Peace out of the money received from the Road Treasurers, to pay a sum not exceeding £100 to be ap-

roads, and for the Winter Roads, upon the Rivers, be it therefore enacted by the authority aforesaid, and it is enacted, that all Public Bridges, all Roads, known under the name of, Bye roads, terminating at or connected with the Country Districts of the said Cities and Parishes of Quebec and of Montreal, as far as the said Bridges and Bye roads may extend, within the said Country Districts of the said Cities and Parishes of Quebec and of Montreal, and also all Roads upon the Rivers, terminating at the said Cities of Quebec and of Montreal, shall, as well in Winter as in Summer, be made, repaired and maintained, by the same persons, in the same manner and under the same Penalties, as are Provided by that part of the Act herein before mentioned of the thirty sixth year of His Present Majesty's Reign, relative to the Country Parishes.

XIV. Provided always, and it is further enacted, that such Persons as are by this Act obliged to maintain and repair the said Highways and Bridges, over Rivers, shall be under the Orders and directions of the Justices of the Peace, Surveyors and Overseers, that may be appointed in the said Cities and Parishes of Quebec and of Montreal, and shall be liable to the same obligations, fines and forfeitures, provided and imposed by this Act, on the Proprietors or Occupiers of Lands or Lots in the said Country Districts, of the said Cities and Parishes of Quebec and of Montreal.

XV. And be it further enacted by the authority aforesaid, that all and every Regulation, Provision, matter or thing contained in this Act, relative to or concerning the Proprietors or Occupiers of Lands or Lots, in the said Country Districts, of the said Cities and Parishes of Quebec and of Montreal, shall commence, and it is hereby ordained and enacted, that they shall have full force and effect, from and after the day of the passing of the present Act.

XVI. Provided also and it is further enacted by the authority aforesaid, that all and every Proprietor or Occupier of Lands or Lots in the said Country Districts of the said Cities and Parishes of Quebec and of Montreal, are and shall be, from the day of the passing of this Act discharged from all personal labour or composition for the same, to which they were liable, as forming part of the said Cities and Parishes of Quebec and of Montreal, by virtue of the Act of the thirty sixth year of the Reign of His present Majesty, as aforesaid.

XVII. Provided also, and it is further enacted by the authority aforesaid, that His Majesty's Justices of the Peace, in the said Cities of Quebec and of Montreal, are hereby authorized and required, to order the reimbursement, without any expence, of the composition monies, to all and every Proprietor or Occupier of Lands or Lots in the said Country Districts of the said Cities and Parishes of Quebec and Montreal, who may have paid for the present Year, the composition of their Statute Labour, in whole or in part, agreeably to the Act of the thirty sixth Year of the Reign of His present Majesty, as aforesaid, the said Proprietors and Occupiers of Lands or Lots as aforesaid, producing a good and sufficient receipt, or discharge for the said composition monies, from the Officer legally authorized to grant the same.

XVIII. And whereas it would be highly conducive to the interests and convenience of the Inhabitants of the Cities and Parishes of Quebec and of Montreal, that the Roads upon the Hills and Bridges kept up by joint labour in those parts of the said Cities and Parishes which are disjoined therefrom by this Act, should be amended and kept in good repair: And whereas also, it would be too burthensome for the Proprietors or Occupiers of the Lands in those parts of the said Cities and Parishes disjoined

plied, in repairing the Roads upon the Hills and Bridges kept up in the Country Districts in addition to the work to be done by the Inhabitants.

as aforesaid, to amend and keep in good repair wholly at their own expence, the Roads upon the Hills and Bridges aforesaid; and that it will therefore be just and reasonable that some aid be given towards amending and repairing the same; Be it therefore enacted by the same authority, that it shall and may be lawful for the Justices of the Peace, at any general Quarter Sessions of the Peace to be holden at the aforesaid Cities, respectively to order to be paid from the said monies, which may be received by the Road Treasurers of the aforesaid Cities, respectively, under the authority of this Act, any sum not exceeding, annually, one hundred pounds current money of this Province, to be applied under the directions of the said Justices, and in the manner herein provided, towards the amending and repairing the Roads upon the Hills and Bridges kept up by joint labour, in the Country Districts, respectively, as aforesaid, and in addition to the work to be done under this Act, by the Inhabitants thereof.

The assessment authorized by Act 36. Geo. III. Cap. VI. on Occupiers of Lands &c. within the Cities of Quebec and Montreal, not to exceed six pence in the pound of their yearly value.

The annual value to be estimated by Assessors once in every year.

And the assessment, made from 10th May to 10th June in each year.

XIX. And whereas by the before mentioned Act, passed in the thirty sixth year of His present Majesty's Reign, it is provided, that an assessment shall be made, once, in every year, upon all and every the occupier or occupiers of Lands, Lots, Houses and Buildings, in proportion to the annual value thereof, within the Cities of Quebec and Montreal, to be applied towards the making amending and keeping in repair the Streets, Causeways, Pavements, Bridges, Drains, Water-courses, Sewers, Market-places, Squares and Lanes, within the limits of the said Cities, wherein such assessment shall be made respectively; and that the assessment so to be made, shall not exceed the rate of four-pence in the pound of the yearly value of the Lands, Lots, Houses and Buildings so assessed; And whereas experience has shewn that the rate of the aforesaid assessment is insufficient for the said purposes, and that it will be expedient to augment the same, Be it therefore enacted by the authority aforesaid, that the Assessment authorized by the before mentioned Act passed in the thirty sixth year of His present Majesty's Reign, to be made upon all and every the Occupier or Occupiers of Lands, Lots, Houses and Buildings, within the Cities of Quebec and Montreal, respectively, may be increased to, but shall not exceed, the rate of six-pence in the pound of the yearly value of the Lands, Lots, Houses and Buildings, to be assessed: And the annual value of the said Lands, Lots, Houses and Buildings shall be estimated by the Assessors who shall be possessed of real property in the said Cities of Quebec and of Montreal, respectively, once in every Year: And the said Assessment shall be made from the tenth day of May to the tenth day of June in each year.

All grounds, &c. without the fortification walls of the said Cities, but within the Town Districts to be assessed.

XX. And be it further enacted by the authority aforesaid, that all grounds used for Pasture, Hayland or for raising grain, without the Fortification Walls of the said Cities, respectively, but within the Town Districts of the said Cities, as described by the Present Act, shall be assessed for the purposes herein mentioned; excepting only the grounds occupied by any of the Religious Communities of Women.

After the 1st of January 1800, in lieu of the personal labour required by Act 36 Geo. III. Cap. VI the proportion of labour to be performed by every Male Inhabitant of the Cities of Quebec and Montreal, who do not contribute by assessment to be se-

XXI. And be it further enacted by the authority aforesaid, that from and after the first day of January, which will be in the Year of Our Lord One thousand eight hundred, instead of the personal labour required by the Act before mentioned, the proportion of Labour to be performed by every Male Inhabitant of the Cities of Quebec and Montreal, respectively, living within the limits described by the Proclamation herein before mentioned, of the Age of twenty one and under the age of sixty years, not being *bona fide* an Apprentice or Regular Student in the Seminaries, Colleges or Public Schools, and who shall not be liable to contribute by Assessment to the Funds herein before mentioned, shall be regulated by the amount of the Assessment or rate directed

regulated by the amount of the assessment directed to be levied.

The Rates.

Provided that Persons may compound at any time in the Month of June in every year.

Provided also, that Persons who have contributed to the assessment, not to be called on to perform the personal labour or compensation under the Act 36. Geo. III. Cap. VI.

Abatement of Assessment and exemption of labour all wed in certain cases.

Personal contribution or Labour not to be required of any Officer &c. in the Cities of Quebec & Montreal, unless such Officer is on the Staff.

On or before the 1st July in every year, Persons keeping horses, in the Cities of Quebec and Montreal, to pay 7/6 annually to the Road Treasurer.

Persons keeping a House or Place of Public entertainment &c. in the Cities and Parishes of the said Cities to pay £2 annually to the Treasurers.

No Licences to be allowed, without a receipt from the Road Treasurer that

directed to be levied as aforesaid, that is to say, that a days labour shall be required and performed of and by every Person so liable as aforesaid, for every penny whereof, the amount of the said Rate shall consist, that when the rate shall be limited to three pence, three days labour shall be performed, and when it shall amount to six-pence, six days labour shall be performed in manner as in the said Act of the thirty sixth year of His present Majesty is set forth: Provided always, that instead of the composition of fifteen pence for every days labour, as by the said Act is specified, it shall and may be lawful, for every person so disposed, to compound for the same, by the payment at any time in the month of June, in every year, of the sum of five pence for every day's labour, so to be performed as aforesaid. Provided always, that no Person who shall have contributed and paid his due proportion to the said Assessment, herein before mentioned, shall be called upon, to perform or pay or shall be liable to perform the personal labour or pay the composition money, mentioned in the said Act of the thirty-sixth year of His present Majesty, or any other Labour or Composition money in respect of the said Roads.

XXII. Provided also, and it is hereby further enacted by the authority aforesaid, that it shall be lawful for the Justices in any General or Special Sessions of the Peace, held in the said Cities respectively, to grant abatement or exemption in favour of Persons liable to the said Payments or Labour, not being liable to contribute by Assessment of property, either under this Act or under the Act of the thirty sixth year before mentioned; on satisfactory proof being produced by certificate from the established Clergymen of the said Cities, respectively, or from the Captain of the Company of Militia, to which such person shall belong, that such person or persons are burthened with families of Young children, or that they have within the last twelve months laboured under sickness or infirmities, whereby they have been prevented from obtaining a livelihood. Provided further, that the personal contribution or labour herein before mentioned; shall not be required of or from any Officer, non commissioned Officer or Soldier of any Regiment or Corps in Garrison in the Cities of Quebec or Montreal, for the time being unless that any such Officer be upon the Staff of the Army serving in the Province or upon the Staff of the Garrison.

XXIII. And whereas it is necessary to provide further and more ample means, for making, amending and keeping in repair the Streets, Causeways, Pavements, Bridges, Drains, Water courses, Sewers, Market places, Squares and Lanes, within the limits of the aforesaid Cities of Quebec and Montreal; And whereas it is necessary to increase the Funds for defraying the other useful purposes of this Act, it is hereby further enacted, that there shall be paid to the Road Treasurers of the Cities of Quebec and Montreal, respectively, on or before the first day of July, in every Year, by every person keeping a Horse or Horses, within the aforesaid Cities, for each every Horse, (Colts excepted) that any such Person shall keep, the sum of seven shillings and six-pence; And there also be paid yearly into the hands of the Treasurers aforesaid, by every Person or Persons keeping a House or Place of Public Entertainment, or retailing Spirituous Liquors within the Cities and Parishes of Quebec and Montreal, the sum of two pounds current money of this Province, over and above all duties, such Person or Persons are or shall be bound to pay. And no Person shall receive from the Secretary of this Province or from his Agent, a Licence to keep a House or Place of Public entertainment, or to Retail Spirituous Liquors within the aforesaid Cities and Parishes of Quebec and of Montreal, without having previously deposited with the Secretary or his Agent, as aforesaid, a receipt signed by the Road Treasurer of either of the Cities.

the sum of £2. has been paid. 7/6 to be taken instead of the labour or composition money required for every Horse under Act. 36. Geo. III. Cap. VI.

No duty required of any Officer &c. in the Cities of Quebec and Montreal, for keeping a horse unless such Officer is on the Staff.

No Allowance or deduction to be made in the assessment for any partial Pavement in Quebec Unless such old Pavement, be judged fit to remain and make part of the General Pavement.

The Governor &c. to appoint Surveyors for the Cities of Quebec and Montreal.

The Duty of such Surveyors.

Cities or Parishes aforesaid, respectively, where such Person intends to keep a House of entertainment or retail Spirituous Liquors, for the sum of two pounds received by the said Road Treasurer, from such person as aforesaid, in conformity to this Act, and for the Year for which such Licence is intended to serve; Provided always, that the payment of the said sum of seven shillings and six-pence, shall be held and taken instead of the Labour or composition money required for every Horse by the said Act of the thirty sixth year of His present Majesty.

XXIV. Provided always and be it further enacted; that no duty shall be required or received for any Horse or Horses kept by any Officer of any Regiment or part of a Regiment, or Corps, in Garrison in the Cities of Quebec and Montreal, for the time being, unless that any such Officer be upon the Staff of the Army serving in this Province, or upon the Staff of the Garrison.

XXV. And whereas the partial payments in the City of Quebec, in their present state, are of no general utility, Be it therefore enacted by the Authority aforesaid, that no allowance or deduction shall be made in consideration thereof in the Assessment or Assessments on the Lot, House or building, respectively adjoining the same: Provided nevertheless, that when any entire street, Market-place, Square or Lane, shall be paved at the Public expence there shall be paid to the Proprietor or Proprietors of any old Pavement therein judged fit by its State and condition, to remain and form part of the general Pavement of the said Street, Market-place, Square or Lane, the value thereof at the same rate for which the new pavement shall be contracted for or paid.

XXVI. And whereas by the before mentioned Act passed in the thirty sixth year of His present Majesty, it is ordered that the Justices of the Peace shall appoint in each of the Cities and Parishes of Quebec and Montreal, a fit and proper person to be Surveyor of the Highways, Streets, Lanes and Bridges, each of which Persons when so appointed, shall receive for his Services a sum not exceeding Forty Pounds Currency, yearly; and the responsibility and the duties required of the Surveyors by this Act, will be considerably augmented; Be it therefore enacted, by the authority aforesaid, that the nomination and appointment of such Surveyors in the said Cities of Quebec and Montreal shall, from and after the passing of this Act, be vested in the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, with Power to remove from time to time, the said Surveyors or any of them, and to appoint others as the case may require, and as he shall think fit, each of which Surveyors, so named and appointed in the said Cities of Quebec and Montreal, shall receive for their respective services, annually, and in lieu of all charges and emoluments, a sum not exceeding One hundred pounds current money, which sum shall be paid out of the monies levied by virtue of this Act, in the City and Parishes where he may be appointed Surveyor. And it shall be the duty of such Surveyor, before he proceeds to the levelling, elevating or paving of any Street, Lane, Square or Market-place or to the opening of any Canal, Water-course or Acqueduct or to the erecting of any Bridge or Causeway, in the said Cities and Parishes of Quebec and Montreal, to draw a Plan of the said Street, Lane, Market-place, Square, Canal, Water-course, Acqueduct, Bridge or Causeway, the which, shall point out the level and declivity of the same; and the said plan shall be accompanied by a *Proces Verbal*, referring thereto, of the most convenient and expedient method for the execution of the work proposed, which plan and *Proces Verbal* shall be deposited in the Office of the Clerk of the Peace in each of the Districts of Quebec and Montreal, respectively, and notice

notice shall be given in such manner as the Justices of the Peace shall direct, to the Proprietors of Ground or houses or other buildings adjoining to such Street, Lane, Market place, Square, Canal, Water course, aqueduct, Bridge or Causeway and to every other person concerned therein, that the said plan and *Proces Verbal* are so deposited for their inspection, gratis, in order that they may within any time not exceeding one Month, from such notice, lodge such observations or oppositions as they may have to the contrary, that justice may be done in the premisses; in failure of which, the said plan and *Proces Verbal* shall be homologated and put in execution agreeably to their form and tenor. And the said Surveyor shall, within two years, from and after the passing of this Act, or sooner if possible, draw an exact and regular plan of the said Cities of Quebec and Montreal, pointing out agreeable to the Rules of Art, the Streets, Lanes, Squares, Market-places, Water-courses, Aqueducts, Canals, Bridges and Causeways in the said Cities of Quebec and Montreal, one Copy of which, shall be deposited in the Offices of the Clerks of the Peace in the Districts of Quebec and Montreal, respectively, to be inspected, gratis, and for the direction of every Person concerned or interested therein.

The Surveyors
to add to the
plan of the Ci-
ties of Quebec
and Montreal, a
plan of the Tracts
of Land &c. to
be reserved, for
Streets & Squares,

XXVII. And whereas there now remains within the limits of the said Cities of Quebec and Montreal, a great extent of ground, partly laid out in pasture, Woodland, Meadows and arable land, which are daily laid out, and will in time to come be divided, in ground lots, for the purpose of erecting thereon Houses or other buildings, for planting of Orchards or to be cultivated, as Gardens, that are, commonly closed in with good and solid fences; And whereas it is necessary and of utility to the public, that the said divisions should be parcelled out agreeably to a regular plan, and that commodious streets should be opened and convenient places reserved for squares in time to come, Be it therefore enacted by the authority aforesaid, that it shall be the duty of the said Surveyor, to add to the aforesaid Plans of the said Cities of Quebec and Montreal respectively, a plan of the said Tracts of Land laying down Rules, for the division thereof in time to come, with the Streets and Squares that ought to be reserved, and when such plan shall have been drawn up, it shall be deposited in the Offices of the Clerks of the Peace for the said Districts, respectively and notice shall be given in such manner as the Justices of the Peace shall direct, that such a Plan has been drawn up and so deposited for the inspection, gratis, of whomsoever may be concerned or interested therein, in Order that they may within any time not exceeding six months, from such notice, lodge their observations or oppositions, if any they have, against it, that Justice may be done in the premisses; in failure of which the said plan shall be homologated and followed up in future, agreeable to its form and tenor. And for drawing the said Plans and making Copies thereof, there shall be paid to each of the said Inspectors of the said Cities of Quebec and Montreal, respectively, a sum not exceeding Two hundred Pounds Current money of this Province, the same to be taken out of the Funds to be levied by virtue of this Act, and of the before recited Act of the thirty sixth year of His Majesty's Reign.

The Inspectors
to receive a sum
not exceeding
£200, for their
Plans.

When such Plan
is homologated
every portion &c.
of ground to be
subject to the dis-
tribution set forth
in the plan.
And if any Person
in future builds
any House &c.
encroaching on the

XXVIII. And be it further enacted, that from and after the day such plan shall be homologated, every portion, parcel or lot of Ground contained within the respective Tracts of Land, so planned and laid out as aforesaid, shall become subject to such distribution and division as in the said Plan, shall be set forth, into whose property or possession soever the same may come, whether by Descent, Devise, Deed or any other mode of Alienation, and if any Person or Persons shall in future build any dwelling house or other building encroaching upon the said Squares or Streets or which shall intercept,

Squares &c. upon conviction to be bound to discontinue the Building and to restore the Premises to their former state under a penalty of 10s for each day non-compliance.

Provided that an Indemnification be made.

Persons not compellable to make such removals until notified by the Surveyor.

In cases of disobedience or non-compliance with the order, the Surveyor, to cause such obstruction &c. to be removed at the expence and charges of the Parties.

12 Months after the passing of this Act, all Galleries &c. to be taken down.

Proprietors neglecting to remove them, the Surveyors to cause them to be taken down at the expence of the Parties.

stop up, or prevent the continuation of the same, he or they upon conviction thereof in any of the Courts of General or Special Sessions of the Peace for the Districts of Quebec and Montreal, respectively, shall be bound to discontinue the said buildings or houses, and to demolish and destroy the works which he or they shall have so begun or made, and to restore the Premises to the same or a like state in which they were before the said works were begun or made, within the space or term of fifteen days, after judgment shall have been pronounced, under a penalty of ten shillings for each day he or they shall demur or neglect to execute or comply with the said Judgment: Provided always, that when such Proprietor or Proprietors shall or may be held and obliged to deliver up or abandon the Squares, so described or reserved for Public uses, he or they shall be indemnified and paid for the same in the manner provided by Law.

XXIX. And whereas by the before mentioned Act passed in the thirty sixth Year of His present Majesty's Reign it is enacted, that on the first day of January which will be in the Year of our Lord, one thousand eight hundred, all steps brought out into the foot-ways, all out-side stairs and other projections erected, all steps and doors going down out of the footways into any Cellars, Vaults or other Places and all and every other matter or thing which extends more than twenty Inches french measure into any Street, Square or Lane, of the Cities aforesaid, shall be removed; And whereas it will be very prejudicial to the parties concerned, to make such removals as aforesaid, before actual preparation shall be made for the paving or repairing of the Street or Place, wherein such Houses may be situate: Be it therefore further Enacted by the Authority aforesaid, that no Person shall be compellable to proceed to such Removals, as aforesaid, until they shall be duly notified by the Surveyor so to do, by Virtue of an Order issued under the authority of two or more Justices of the Peace, for the said Cities; and that in all cases of disobedience or non-compliance with such order, it shall and may be lawful for the said Surveyor, after the expiration of one Calendar month, from the time of serving such Notice, to apply for a second Order, from any two or more Justices of the Peace as aforesaid, which order, the said Justices are hereby impowered and directed to Grant, Authorising the said Surveyor to cause all such Obstructions, Projections and Encroachments as in the said Act are specified, to be abated and removed, at the expence and charge of the said parties, which order shall be duly executed by the said Surveyor.

XXX. And whereas it is expedient and necessary, that Galleries extending from the second or other stories of Houses, Show Glasses, Bow windows, Signs and Pent roofs, projecting from Shop doors and Houses, into the Streets, Lanes, Market places and Squares, of the Cities aforesaid, should be taken down and removed: And whereas the twenty inches, French measure, allowed to the Proprietors of Houses, in the said Cities, are only for the purpose of erecting steps and thresholds before the Doors of their said Houses, it is hereby enacted by the Authority aforesaid, that immediately after twelve Calendar months after the passing of this Act, all such Galleries, Show Glasses, Bow windows, Signs and Pent Roofs, projecting from Shop doors in front of any House or Houses, and extending into the Streets, Lanes, Markets and Squares of the said Cities, shall be taken down and removed by the Proprietors of the said Houses, and none shall be hereafter made or erected, And upon the said Proprietors neglecting to remove the same, within the time limited as aforesaid, the Surveyors of the said Cities of Quebec and Montréal respectively, are hereby authorised to cause the said Galleries, Show-glasses, Bow-windows, Signs and Pent Roofs projecting from Shop doors and Houses, to be taken down and removed at the Expence of the Proprietors thereof, without giving them any previous

Provided, that Proprietors or Tenants may put up signs against their Houses to be solidly fixed and to take three feet and half upon the streets for their Cellar trap doors. Provided, also, that the Gallery and two water courses belonging to the Brewery and Distillery in Saint Charles street may continue.

notice. Provided always, that it shall be lawful for any Proprietor or Tenant to put up or place Signs against the said Houses, which shall be solidly fixed thereto, by Iron hold fasts or otherwise, and to take three feet and a half French measure, upon the said Streets, Lanes or Public Squares for their Cellar trap doors, only, making the covers thereof upon a Level with the pavement, and of sufficient strength and solidity to support all loaded carriages, that may pass thereon: Provided also that the Gallery and two Water-courses, communicating between the Houses occupied as Brewery and Distillery in Saint Charles street, without the walls of the City of Quebec, across the said street, may continue and remain for the use and service of the said Brewery or Distillery while the Proprietors thereof shall keep the said Gallery and Water-courses elevated not less than twelve feet, French measure, above the Level of the said street.

The Line of Cul de Sac street to be taken from the south west corner of Widow Lee's house and to run along to the north east corner of John Ewing's between which the vacant ground not to be understood to make part of the street.

XXXI. And whereas the Houses situated between the Widow Lees, and the one now occupied by one John Ewing, in that part of the Lower Town of Quebec, called the *Cul de Sac*, are not contracted on a straight Line, on the side of the said street of the *Cul de Sac*, and it being expedient to fix the Line of that part of the said street, Be it therefore and it is hereby enacted by the authority aforesaid, that the Line of the said street, shall be taken from the South west corner of the House, belonging to the said Widow Lee running along to the North East corner of the House, occupied by the said John Ewing, and that the Vacant space of Ground, between the said Houses, and the said Line, shall not be understood to make part of the said street.

From 1st January 1800. The divisions of the aforesaid Cities and Parishes and the appointment of Overseers as directed by Act 36. Geo. III. Cap. VI. to cease and be discontinued.

XXXII. And whereas it is directed by the before-mentioned Act, passed in the thirty sixth year of the Reign of his present Majesty, that the Justices of the Peace or any three of them, shall at a Special Session to be holden by them annually divide the said Cities and Parishes into such number of Divisions, as they shall judge necessary, not exceeding six, and to each of such Divisions, shall appoint a fit and proper Person, to be Overseer of Highways, Streets and Bridges, within the Division for which, he shall be so appointed; and whereas from the Provisions contained in this Act, the appointment of such Overseers will become unnecessary: Be it therefore enacted by the authority aforesaid, that from and after the first day of January, in the year of our Lord, one thousand eight hundred, such division of the aforesaid Cities and Parishes, and such appointment of Overseers, within the Divisions of the said Cities and Parishes, as is directed by the before mentioned Act passed in the thirty sixth year of his present Majesty's Reign, shall cease and be discontinued.

Surveyors to be appointed for the Cities and Parishes of Quebec and Montreal, to obey the directions they may receive from the Justices of the aforesaid Cities.

XXXIII. And whereas from the discontinuance of the appointment of Overseers, for the Cities and Parishes of Quebec and Montreal, as is herein provided, it becomes necessary to appoint other Persons to collect Assessments, to collect the duty on Horses and the contributions of Persons not liable to assessment, to serve notices and to prosecute for fines, penalties and forfeitures, incurred either by this Act, or by the Act passed in the thirty sixth year of his present Majesty's Reign, in as much as the same is not altered by this Act. Be it therefore enacted by the same authority, that the Surveyors to be appointed for the Cities and Parishes of Quebec and Montreal, shall and are hereby required to obey the Directions they may, from time to time, receive from the Justices of the aforesaid Cities of Quebec and Montreal, regarding the works to be performed under the authority of this Act, or of the aforesaid Act, passed in the thirty sixth year of His present Majesty's Reign. And the Assessors annually chosen in the aforesaid Cities and Parishes, respectively, shall, under the Directions of the said Justices, in the time fixed for the annual assessment, go to the Dwelling House of every

The duty of the Assessors to be annually chosen in the aforesaid Cities and Parishes of Quebec and Montreal,

ry Person, liable under this Act, to pay a duty by reason of keeping a Horse or Horses and demand to be informed of the greatest number of Horses by him or her kept, for two months in the course of twelve months preceding: or if he or she shall, then be absent from his or her dwelling House, the said Assessors shall leave Notice, that such Person must within ten days from that time, give to the Clerk of the Peace in the said Cities respectively, information of the number of Horses, by him or her kept as aforesaid, and it shall be incumbent upon every such Person to give such information within such time accordingly: and if any such Person shall refuse to answer such question and shall neglect within such time, to give the said information, then the Assessors shall, from information, estimate the number of Horses by him or her kept as aforesaid, and such Estimate, shall be conclusive upon every such Person, unless such Person, shall prove before one or more Justices upon his or her Oath, (which he or they are hereby authorized to administer) any over charge in such Estimate, in which case, such overcharge shall be deducted therefrom. And the said Assessors may add thereto, any number omitted or concealed, that shall be discovered and proved before a Justice, and then make a true statement of the number of Horses by any such Person, kept as aforesaid. And if any Person, upon official application being made, to him or her, for such purpose as aforesaid, shall give either in writing or verbally, an untrue account of the number of Horses possessed by him or her, within the space of the last twelve months, for which he or she may be chargeable with the said Duty, according to the true intent and meaning of this Act, or shall wilfully conceal, that he or she has been or is possessed of any one or more Horses, for which the said Duty ought to be paid, with an intent to evade the payment of the same, and shall be therefore duly convicted, before any one of His Majesty's Justices of the Peace for the Cities of Quebec and Montreal respectively, the said offender shall be adjudged and condemned to pay the sum of fifteen shillings, over and above the Duty due by Law, for each and every Horse so concealed, as aforesaid, one moiety of which Penalty, shall be paid to the Prosecutor and the other moiety the Treasurer for the General purposes of this Act.

Persons keeping a Horse &c. two Months in the course of twelve month preceding the assessment teable to the duty.

Provided that no suit or action shall be brought against any Person, for the non payment of the assessment until fifteen days notification.

XXXIV. And it is hereby also declared and enacted: That the keeping a Horse or Horses, for the space of two months in the course of twelve Calendar months, preceding the time of the Assessment, shall be considered keeping a Horse or Horses within the meaning of this Act, and shall subject the Owner or Owners thereof, to the payment of the Duty herein directed: Provided always, that all Assessments and the tax on Horses, shall be paid on or before the first of July, every year, into the hands of the Road Treasurer, of the said Districts, respectively, who shall be bound to grant an acquittance for the same, gratis, to every Person paying the same; and Provided also, that no Suit or Action, shall be commenced or brought against any person or persons by reason of the non payment of the Assessment to be levied as aforesaid, until fifteen days notification thereof shall have been given in the Gazette and by the Public Crier or Bell man, under the directions of the said Justices, in their respective Districts.

Assessors to take a list of the names of all persons above the age of twenty one and under the age of sixty years, who tho' not liable to assessment are subject to personal labour.

XXXV. And be it further enacted by the authority aforesaid, that the said Assessors are hereby authorized and ordered to take, at the several dwelling Houses, in the said Cities respectively, within the time fixed for making the Assessments, or List of the names of all Persons, above the age of twenty one and under the age of sixty years, who not being liable to assessment, are subject to personal Labour. And in case any Person, subject to such labour as aforesaid, shall refuse, omit or wilfully avoid, giving

Penalty on persons refusing to give their names to such assessor, or who do not contribute their labour or pay the composition for the same.

giving in their name, to such Assessor and shall neither contribute their labour nor pay the composition for the same, and be therefore, duly convicted in manner as aforesaid, at any time within three months, after the expiration of the last six months, during which, they were guilty of such offence, every such offender, shall be adjudged and condemned to pay the sum of ten pence, for every days labour, that shall have been avoided, over and above the composition money due by Law, for such neglect, one moiety of which Penalty, shall be paid to the Prosecutor and the other moiety to the Treasurer for the general purposes of this Act:

Penalty on Persons assending against this Act.

XXXVI. And be it further enacted by the authority aforesaid, that every Person or Persons, who shall offend against this Act, in any matter or thing in respect whereof, no Penalty is not herein before specially imposed, shall forfeit and pay for every such offence, a sum not exceeding ten shillings not less than five shillings currency. And all penalties and forfeitures by this Act imposed, for any offence against the same, and all costs and charges to be allowed, under the Authority thereof, shall be levied and applied in manner and form prescribed, for levying and applying penalties and forfeitures in the before mentioned Act, passed in the thirty sixth year of his present Majesty's Reign.

Penalties &c. by this Act imposed to be levied and applied in the manner prescribed by Act 36. Geo: III. Cap. VI.

No suit &c. to be brought, unless commenced within three months.

XXXVII. Provided further and be it also enacted by the same authority, that no suit or action, shall be commenced or brought against any Person offending against this Act, unless the same shall be commenced or brought within three months next, after the offence committed and not afterwards: and provided also, that any Surveyor shall be deemed a competent witness, in all matters relative to the Execution of this Act, notwithstanding he may be the informer, for any offence or default against the same.

Surveyor deemed a competent witness in matters relative to this Act.

XXXVIII. And be it further enacted by the authority aforesaid, that the Treasurers of the said Cities of Quebec and Montreal, are respectively authorized to institute the necessary prosecutions, according to the true intent and meaning of this Act and of the before mentioned Act of the thirty sixth year of the Reign of his present Majesty, against all and every Person or Persons who shall have neglected or refused to pay the sums, due by them agreeable to and under the authority of the aforesaid Acts.

Treasurers of the Cities of Quebec and Montreal authorized to institute the necessary Prosecutions under this Act and under the Act 36. Geo. III. Cap. VI.

Actions &c. to be commenced within three months & brought within the district where the facts was committed.

XXXIX. And be it further enacted by the authority aforesaid, that if any action or suit shall be commenced against any Person or Persons, for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit, shall be commenced or prosecuted within three Calendar months, after the fact committed and not afterwards; and the same and every such action or suit, shall be brought within the District where the fact was committed, and not elsewhere, and the Defendant or Defendants, in every such action or suit, shall and may plead the General Issue, and give this Act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance an by the authority of this present Act: and if the same shall appear to have been so done, or if any such action or suit, shall be brought after the time limited for bringing the same, then Judgment shall be given for the Defendant or Defendants, or if the Plaintiff or the Plaintiffs shall become non-suit or discontinue his. her or their action, after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, shall and may recover, Treble Costs, and have the like remedy for the recovery thereof, as any Defendant or Defendants, hath or have in other cases by Law.

General Issue.

Special Matter.

Treble Costs.