

curred by any person or persons by reason of this Act, above the value of ten pounds, currency, shall be sued for and recovered by suit or action in His Majesty's Court of King's Bench for the District of Montreal, and all other fines or penalties shall be sued for and recovered in the Court of Weekly Sitzings of the Justices of the Peace in the City of Montreal.

Public Act.

XV. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons, without specially pleading the same.

C A P. XVI.

An ACT to provide for the Police of certain Boroughs and Villages.

(1st April, 1818.)

Preamble.

WHEREAS the Borough of William Henry, and many villages within this Province, from their increased population and importance, require that the Police thereof should be regulated, as well for the security of property therein as for their further advancement: 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 from and after the passing of this Act, it may be lawful for the Free-holders of the Borough of William Henry, or of any village within this Province, consisting of not less than thirty inhabited houses within the space of at least fifteen acres in superficies, or the majority of such Free-holders, to meet on a certain day at some convenient place within the same respectively, to be fixed and appointed by any Justice of the Peace residing within or nearest to the said borough or village, a notice whereof shall be put up in at least two places of public resort within the said borough or village, ten days previous to the day of such meeting, and then and there proceed to the election of five Free-holders, to be trustees, who when chosen, shall possess the several powers herein-after specified, and the said Justice,

From and after the passing of this Act, Free-holders of the borough of William Henry, & villages consisting of a certain number of inhabitants, and within a certain space, to meet and choose Trustees.

or the oldest Captain of Militia residing in or nearest to the said borough or village; shall preside at such meeting, and shall declare the five persons having the greatest number of votes, duly elected, trustees.

Trustees, when chosen, to appoint one among themselves to be an Inspector.

II. And be it further enacted by the authority aforesaid, that the said trustees shall choose one from among themselves to be an Inspector in and for the said borough, or each of the said villages; which said Inspector shall superintend and cause to be executed the rules and regulations herein-after provided, and shall in case of delinquencies prosecute for and recover the fines and penalties herein-after provided and imposed; and in case of the absence of such Inspector, any one of the said trustees is hereby authorized and empowered to perform the duties of such Inspector, during his absence, as aforesaid.

Penalty on Trustees and Inspectors neglecting their duty.

III. And be it further enacted by the authority aforesaid, that every proprietor in the said borough or villages as aforesaid, who shall be elected or chosen as Inspector and Trustees in the said borough or villages, who shall upon his or their refusal or neglect to act as such Inspector or Trustees, incur and pay for each and every refusal or neglect respectively, a sum not exceeding two pounds currency, nor less than ten shillings currency of his Province, which penalty shall go and be applied to the purposes of this Act, for the said borough or villages.

Inspectors may visit the Houses of the borough and villages.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for the Inspector of the said borough or villages, to visit any of the houses, out-houses, or other buildings in the said borough or villages when and as often as he shall be informed of any offence against this Act, and every proprietor or occupier of a house, who shall refuse admittance to the said Inspector into any house, out-house, or other building, for the purpose aforesaid, between the hours of nine in the forenoon, and four in the afternoon, shall incur a penalty of ten shillings, current money of this Province.

Penalty on the proprietor or occupier, refusing admittance.

Trustees may fix on a place for a market.

V. And be it further enacted by the authority aforesaid, that the said five trustees, or a majority of them, shall fix upon a place in the said borough, and in the said villages respectively, where the markets shall be held, and the said trustees shall cause public notice of the same, and of the days on which the markets are to be held, to be given in the English and French languages, in at least one of the public newspapers printed in the District in which the said borough or villages may be situated, which market-place shall not afterwards be altered by the said trustees during the continuance of this Act.

Rules and regulations of Police established by this Act.

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

All and every the proprietors of a house or houses in the aforesaid borough or villages shall, from and after the passing of this Act, place, or cause to be placed a ladder or ladders on the roof of their respective houses near to, or adjoining the chimney or chimneys, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid; and another and other smaller ladders sufficiently long to reach from the summit of such house or houses to the top or tops of such chimney or chimneys as aforesaid, under the penalty of five shillings for every neglect so to do, and of ten shillings, currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders, as aforesaid.

All and every householder or householders in the said borough or villages, shall from and after the passing of this Act, be held to furnish and provide himself or themselves, with two buckets fit and proper for carrying or conveying water in case of accident by fire, under the penalty of two shillings and sixpence for each bucket which may be deficient, and every such householder as aforesaid, shall be bound and obliged to provide himself with a battering ram, eight feet in length by five inches in diameter, to be kept in the garret of each and every house as aforesaid, under a penalty of five shillings for each and every week during which they shall neglect so to provide themselves therewith.

Any person or persons who shall enter into any barn, out-house, or stable within the limits of the aforesaid borough or villages, with a candle or lamp, without having the same well enclosed in a lantern, shall for every such offence incur a fine and penalty of five shilling, current money aforesaid, and any person or persons who shall enter into any barn, stable or out-house, within the limits of the aforesaid borough or villages, with a lighted pipe or cigare, shall for every such offence, incur a penalty of five shillings, currency.

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

All and every person or persons who shall carry or convey fire into, or through any street, lane, public place, yard or garden in the said borough or villages, or cause fire to be carried or conveyed without having the same confined in some copper, iron or tin vessel, shall for every such offence, incur a forfeiture and penalty of two shillings and six pence, currency, and for every subsequent offence of a like nature, a further forfeiture and penalty of five shillings, currency.

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

That it shall not be lawful for any baker, potter, brewer, or any other person to build, make, or cause to be built and constructed, any oven or furnace within the limits of the aforesaid borough or villages, unless the same be built or adjoin a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, under a penalty which shall not exceed ten shillings, currency, and for non-compliance with this regulation, the offender shall incur a penalty of fifteen shillings, currency, for each week during which he shall neglect to comply therewith.

All and every person or persons who shall keep or have gun-powder for sale, in the said borough or villages, shall keep the same in boxes of iron, tin or lead, and for every omission or neglect so to do, such person or persons shall incur a penalty of twenty shillings for the first offence, and of forty shillings for every subsequent offence.

Any person or persons in the said borough or villages, who shall sell or permit to be sold in his or their houses, store-houses, or shop, out-house or other building, gun-powder after sun-set, shall, on being thereof convicted, incur a forfeiture and penalty of forty shillings, currency, for the first offence, and of three pounds, currency, for every subsequent offence; and it shall not be lawful for any person or persons to keep in his or their houses or shop, out-house or other buildings, within the limits of the aforesaid borough or villages, at any one time, any greater quantity of gun-powder, than twenty-five pounds.

All and every person or persons on horseback, or in any calash, cart or other

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other vehicle, who shall go at a gallop, or at greater speed than an ordinary trot, within the limits of the said borough or villages, shall, for every such offence, incur a penalty of five shillings, currency.

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

It shall not be lawful for any person in the said borough or villages, to conduct any stove-pipe through any wooden or lathed partition, or through any floor, unless there be a space of six inches between the pipe and the partition or floor, and such pipe shall be surrounded with sheet iron or tin nailed upon such partition or floor, the pipe of every stove shall be inserted in a chimney, and there shall be left at least ten inches in the clear, between the said stoves and wooden or lathed partitions, and each and every person offending against this regulation, shall incur a penalty of ten shillings, currency.

Every householder in the said borough or villages, shall sweep or cause to be swept, each and every chimney in which fire shall be made, at least once every two months, under a penalty of five shillings, currency, for each and every neglect so to do, and if such chimney take fire for want of having been swept, such householder shall incur a penalty of ten shillings, currency.

No person or persons shall erect or cause to be erected, any furnace for smelting charcoal of wood within the limits of the said borough or villages, under a penalty of twenty shillings, currency.

Every person who, through negligence, shall permit his hog or hogs, horse or horses, to stray at large in the streets, lanes or public places within the limits of the said borough or villages, shall incur a penalty of two shillings and sixpence, currency, for each offence as aforesaid.

Limitation of
actions.

VII. And be it further enacted by the authority aforesaid, that the penalties and

forfeitures appointed by this Act, shall be sued for within ten days after the offence, for which they shall be incurred, and not afterwards.

Penalties and forfeitures to be sued for by the Inspector.

VIII. And be it further enacted by the authority aforesaid, that all penalties and forfeitures incurred by any person or persons resident or living in the aforesaid borough or villages, shall be sued for and recovered by the said Inspector in and for the said borough or villages by information, before any one Justice of the Peace of the District, residing in or near to the said borough or villages, if any there be, or else before such other Justice of the Peace within the county, provided the distance from the said borough or villages do not exceed five leagues, who shall hear and determine such information in a summary manner, and upon the oath of one credible witness, being other than the informer, and shall cause such penalty or forfeiture to be levied by warrant, to seize and sell the goods of the offender, and the whole of such penalty or forfeiture shall go to and be applied to the repairs and improvement of the streets, avenues, and lanes of the said borough or villages, by the said Inspector and trustees in such manner as shall have been agreed and determined upon by the proprietors, or by the majority of them, convened for that purpose after eight days previous notice in manner as herein-before provided.

Penalty on Inspector and trustees for neglect of duty.

IX. And be it further enacted by the authority aforesaid, that any Inspector or trustee of the said borough or villages who shall neglect, or omit to fulfil any of the duties imposed upon the said Inspector and trustees, shall on being thereof convicted in manner aforesaid, incur a forfeiture and penalty of ten shillings current money of this Province:

Persons aggrieved may appeal to the Genl. Quarter Sessions.

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

Continuance of this Act.

XI. And be it further enacted, that this Act shall have continuance, and be in force until the first day of March, which will be in the year of our Lord one thousand eight hundred and twenty-two, and no longer.