
THE
 PROVINCIAL STATUTES
 OF
 LOWER-CANADA.

Anno Regni GEORGII III. Quinquagesimo Octavo.

HIS EXCELLENCY.

SIR JOHN COAPE SHERBROOKE, K. G. C.

GOVERNOR IN CHIEF.

³⁶ AT the Provincial Parliament, begun and holden at *Quebec*, the Seventh day
³⁶ of January, *Anno Domini*, One thousand eight hundred and eighteen, in
³⁶ the Fifty-eighth year of the Reign of our Sovereign Lord GEORGE the Third,
³⁶ by the Grace of GOD of the United Kingdom of *Great-Britain* and *Ireland*,
³⁶ KING, Defender of the Faith," &c.

³⁶ Being the Second Session of the Ninth Provincial Parliament of Lower-Canada."

CAP. II.

AN ACT to provide more effectually for the security of the Cities of *Quebec* and *Montreal*, by establishing a Watch and Night Lights in the said Cities, and for other purposes.

(1st April, 1818.)

Preamble.

WHEREAS the establishment of Night Watches and Lights in the Cities of *Quebec* and *Montreal*, will essentially contribute to the safety and convenience of their respective inhabitants—Be it therefore enacted by the King's Most Excellent

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 it shall and may be lawful for the Justices of the Peace residing in each of the Cities of Quebec and Montreal respectively, in their General Quarter Sessions of the Peace, or, at any Special Session assembled for the purposes of this Act, to be holden in each of the said Cities respectively, to establish Night Watches for the respective Cities of Quebec and Montreal, and to cause the said Cities of Quebec and Montreal to be lighted by Lamps, as herein-after is provided.

Justices of Peace in their Sessions to appoint Night Watches and to cause the Cities of Quebec and Montreal to be lighted by Lamps.

II. And be it further enacted by the authority aforesaid, that the said Justices of the Peace shall be, and the same are hereby authorized and empowered to nominate and appoint any number of Watchmen in each of the said Cities of Quebec and Montreal, for the purposes of the present Act, not exceeding twenty-four men in each of the said Cities of Quebec and Montreal, with a Foreman and Deputy-Foreman to each of the Watches of the said Cities of Quebec and Montreal, and to allow to each and every of such Watchman and Watchmen, Foreman and Foremen, Deputy-Foreman and Deputy-Foremen for the said Cities of Quebec and Montreal respectively, such reasonable wages or salary as to the said Justices of the Peace, or the majority of them, may appear fair and reasonable for their services, pursuant to the present Act, out of the fund herein-after provided for the purposes of the present Act.

Justices of Peace to nominate the Watchmen, with a Foreman and Deputy-Foreman and to allow them wages.

III. And be it further enacted by the authority aforesaid, that it shall be the duty of each of the said Foremen, who shall be so appointed in virtue of this Act, for each of the said cities of Quebec and Montreal, or in the absence or illness of either of them, of the Deputy-Foreman in each of the said cities of Quebec and Montreal, to purchase and provide as early as possible, a sufficient quantity of suitable Lamps, and them to fix, or cause to be fixed, in the most suitable and convenient parts of the principal streets, public places, lanes and avenues in the respective cities of Quebec and Montreal. Provided always, that in the event of any difficulty or dispute between any tenant or proprietor in either of the said cities of Quebec and Montreal, and such Foreman or Deputy-Foreman, as to the place or manner in which the said lamps, or any of them, are to be fixed, such difficulty or dispute shall

Duty of the Foremen to fix Lamps.

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shall be first terminated, upon a hearing of the parties, by three Justices of the Peace, from the decision of whom, or the majority of them, on the point of dispute, there shall be no appeal, except in cases in which the rights of the freehold, or property may be called in question; in which case, the party or parties aggrieved, shall be entitled to his, her, or their recourse at Law, as if this Act had never been made.

Foremen to purchase materials for the purposes of this Act.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Foremen of each of the said cities of Quebec and Montreal, to procure, purchase and provide materials and apparatus for the purposes of the present Act, and for lighting the said cities of Quebec and Montreal, as by the said Justices of the Peace it shall be found expedient and beneficial; and the said Justices of the Peace are hereby authorized and empowered to order payment for all such materials and apparatus from and out of the fund herein-after provided for the purposes aforesaid.

Penalty on persons destroying lamps.

V. And be it further enacted by the authority aforesaid, that any person or persons who shall purposely or wilfully break, shatter, demolish, or otherwise injure or destroy any lamp, lamp-post, or other apparatus thereunto belonging, connected, or appertaining, shall, upon being thereof convicted on the oath of one credible witness before any one Justice of the Peace, forfeit and pay a sum not exceeding five Pounds, currency, nor less than ten shillings, currency; and every delinquent so convicted of the offences aforesaid, who shall not forthwith pay such fine, shall therefore be committed by such Justice of the Peace before whom he may have been convicted, to the common gaol of the District or County in which such offence shall have been committed, for a time not exceeding three weeks next after the date of such conviction, or until such fine be paid.

Justices to establish rules and regulations for the government of the Foremen, and Watchmen.

VI. And whereas it will be requisite that bye-laws and regulations for the government of the said Foreman, Deputy-Foreman, and Watchmen for the respective Cities of Quebec and Montreal, should be made and established: Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the said Justices of the Peace, or the majority of them in the General Quarter Sessions of the Peace, to make and enact such bye-laws and regulations for the better government of the said Foremen, Deputy Foremen, and Watchmen in each of the said Cities of Quebec and Montreal, as they shall deem necessary and expedient; and to make and enact such rules and regulations respecting the times and seasons at which the lamps

lamps in each of the said cities of Quebec and Montreal are to be lighted, and generally to make and enact all such rules and orders as may be found suitable and necessary for regulating and defining the duties of such Foreman, Deputy-Foreman, and Watchmen in each of the said cities of Quebec and Montreal. Provided always, that no bye-law, regulation, rule or order so made or enacted, shall extend to inflict corporal punishment nor imprisonment, except in default of payment of a fine, nor to impose any pecuniary fine or forfeiture exceeding five pounds, currency.

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Persons keep-
ing Houses of
public entertain-
ment, and Auc-
tioneers, subject
to duty, for their
licences.

VII. And be it further enacted by the authority aforesaid, that in order to raise a fund, for the purposes of this Act, there shall in future be paid, by all and every person or persons, keeping a house or place of public entertainment, or retailing spirituous liquors, to be drunk in the house, within the limits of the Cities of Quebec and Montreal, as fixed and established by a Proclamation of His Excellency Arthur Clarke, Esquire, Lieutenant-Governor of Lower-Canada, bearing date in the city of Quebec, on the seventh day of May, in the year of our Lord one thousand seven hundred and ninety-two; the sum of ten pounds, currency, over and above and in addition to the duties heretofore imposed, for every licence, by any person or persons keeping a house of public entertainment, or retailing spirituous liquors to be drunk in the house, within the said Cities of Quebec and Montreal; which duty shall be levied and collected by the Road-Treasurer, in the said Cities of Quebec and Montreal, in the month of April, of each and every year; and it is hereby provided, that no person or persons at any time after the passing of this Act, and during the continuance of the same, applying for a licence or licences, to keep a house or houses, or place or places of public entertainment, or for retailing spirituous liquors to be drunk in the house, within the limits of the said cities of Quebec and Montreal as aforesaid, shall be entitled to such licence or licences; nor shall any such licence or licences be granted until the person or persons applying for the same shall have produced a certificate under the hand of such Road-Treasurer as aforesaid, to the Secretary of the Province, or the person doing the duties of his office, that the duties herein-before imposed have been duly paid. And from and after the first day of May next, it shall not be permitted to any person having and holding a licence of Auctioneer in the cities of Quebec and Montreal, to act as such, or exercise his profession of Auctioneer without paying annually, for the purposes of this act, the sum of thirty pounds, current money of this Province. Provided always, that any House or firm of Auctioneers associated in trade, shall not be held or constrained to take, have or pay annually, for more than one licence for each house or firm as aforesaid, unless such Auctioneers so as aforesaid associated, shall carry on business or trade as Auctioneers in more than one of the cities of this Province; and all and every Auctioneer or Auctioneers who shall sell, or otherwise trade or deal in either of the

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the said cities of Quebec or Montreal, as an Auctioneer or Auctioneers, without such licences, shall forfeit and pay for all and every such offence or offences, the sum of fifty pounds, current money of this Province; the said fines shall be recovered by action of the Treasurers of the said cities respectively, in the Court of King's Bench of the District in which the offence shall have been committed, on the testimony at least of two credible witnesses; which said fines shall be applied for the purposes of this Act.

£1,800 out of the monies raised by this Act, to be appropriated to the cities of Quebec & Montreal.

VIII. And be it further enacted by the authority aforesaid, that out of the funds arising from the duties imposed by this Act, the sum of eighteen hundred pounds, currency, shall be appropriated for each of the said cities of Quebec and Montreal, for defraying the expences necessary for the purposes of this Act.

Duty of the Road-Treasurer, for carrying this Act into effect.

IX. And be it further enacted by the authority aforesaid, that it shall be the duty of the Road Treasurers of the cities of Quebec and Montreal respectively, upon the orders to him given by three Justices of the Peace in the said cities respectively, to institute and conduct to final judgment and execution, the prosecutions necessary for compelling payment of any monies which it is hereby made the duty of any person or persons to pay; and that the mode of prosecution shall be by action by the said Road-Treasurers respectively, in His Majesty's Court of King's Bench of the District in which they are respectively Road Treasurers; and in cases where judgment shall be given in favor of the said Treasurers, the Court may levy the amount thereof, with the costs of suit which may be taxed, by execution, seizure, and sale of the moveable effects, belonging to the offender or offenders.

Compensation granted to the Road-Treasurers of Quebec and Montreal.

X. And be it further enacted by the authority aforesaid, that the Road Treasurers of the said cities of Quebec and Montreal respectively, shall be entitled to have, receive, and retain for, and in consideration of their trouble in levying, collecting, and paying the monies to be by them levied, collected, and paid in virtue of this Act, at the rate of two and one half per cent. upon the gross amount of all the monies which may at any time hereafter come into their hands respectively, under and by virtue of this Act.

Surplus of the money how applied.

XI. And be it further enacted by the authority aforesaid, that the annual surplus of all monies that shall be levied under and by virtue of this Act, over and above the appropriations herein-before provided, shall go to the fund, and be applied to and for such purposes as the assessments raised in the said cities of Quebec and Montreal, under and by virtue of an Act passed in the thirty-ninth year of His Majesty's

Reign,

Reign, intituled, "An Act to amend an Act passed in the thirty-sixth year of His Majesty's Reign, intituled, "An Act for making, repairing, and altering the highways and bridges within this Province, and for other purposes," are respectively applied.

Fines and penalties to be applied to the purposes of this Act.

Application of the money to be accounted for to the Crown.

XII. And be it further enacted by the authority aforesaid, that all fines and forfeitures hereby imposed, and all monies which shall be raised under this Act shall be applied to the purposes thereof; and that the due application thereof 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 and Successors shall direct.

Limitation of Actions.

XIII. And be it further enacted by the authority aforesaid, that if any action or actions, suit or suits, shall be brought or commenced against any person or persons, for any thing done in contravention of this Act, such action or suit shall be commenced within three months next after the offence committed, and not afterwards.

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

CAP. III.

An ACT to amend an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "An Act to repeal an Ordinance made and passed in the twenty-fifth year of His Majesty's Reign, intituled, "An Ordinance to prevent the exportation of unmerchable Flour, and the false taring of Bread and Flour casks, to regulate the packing and inspection of Flour and Indian Meal, and to provide for ascertaining the quality of Biscuit in future."

(1st April, 1818.)

Preamble.

WHEREAS it is expedient to amend an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "An Act to repeal an Ordinance made and passed in the twenty-fifth year of His Majesty's Reign, intituled, "An Ordinance to prevent the exportation of unmerchable Flour, and the false taring of Bread and Flour casks, to regulate the packing and inspection of Flour and Indian meal, and