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No. 346.

(LOCAL BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to render the office of Mayor
of the City of Quebec, elective by
the people.

Received and Read a first time, Tuesday, 3rd
May, 1852.

Second Reading, Wednesday, 4th May, 1853.

MR. STUART.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

1852-3.]

BILL.

[No. 385.]

An Act to render the Mayor of the City of Quebec elective by the People.

WHEREAS it is expedient that the Mayor of the City of Quebec should be elected by the people; Be it therefore enacted, &c., Preamble.

That the Mayor of the said City of Quebec, on and after the first Monday in the month of February, one thousand eight hundred and fifty-four, shall be elected from among the persons qualified to be Councillors of the said City by the majority of the votes of the electors qualified to vote at elections of Councillors, to be taken in the Wards in which they are severally and respectively entitled to vote at elections of Councillors of the said City. Mayor to be elective on or after the 1st Feby., 1854, and by whom.

II. And be it enacted, That at the annual election of Councillors in each year after the passing of this Act, the electors voting at such election of Councillors in the several Wards of the said City, shall at the same time elect from among the persons qualified as aforesaid, a fit and proper person to be the Mayor of the said City; and unless the electors in all the Wards of the said City be unanimous in their choice, such election of a Mayor shall be held, and the voting and other proceedings in case of a contest, shall be conducted in the same manner and subject to the same provisions and regulations as are or shall be legally in force with respect to the election of Councillors; and after finally closing the poll in each Ward at any such election, the officer or person by whom the same shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate or person receiving votes as Mayor, and shall make a return thereof, with the Poll Books in which the votes are entered, to the City Clerk. Mode in which votes shall be given for Mayor. Number of votes given for each candidate to be declared in each Ward, &c.

III. And be it enacted, That it shall be the duty of the City Clerk to ascertain and report to the Council of the said City, at the meeting thereof on the second Monday in February in each year, or if prevented from so doing, then at the next meeting of the said Council, the total number of votes given for each candidate for the office of Mayor, and the name of the person for whom the greatest number of votes shall have been given by the voters of all the Wards, and the Council, after examination of the Council after the report of City Clerk to decide who is the person elected as Mayor.

poll lists kept at such election by the several officers or persons holding the same and the report of the City Clerk thereupon, shall declare the person having the greatest number of votes to have been selected Mayor, and in case of an equality of votes, the said Council shall determine which of the said parties having the said equality, shall be held to have been elected to the office. 5

Term of Office

Vacancies
how filled.

Person elected
Mayor and
Councillor at
the same time
to make his
option: pen-
alty for refus-
ing the office
of Mayor.

Proviso.

Proviso.

IV. And be it enacted, That the Mayor so elected shall continue in office as Mayor of the said City until his successor in the said office of Mayor shall have been elected and sworn in; and in case a vacancy shall occur in the office of Mayor by reason of 10 any person who shall have been elected to that office not accepting the same, or by reason of his dying or ceasing to hold the said office, the said Council shall at the first General or Special Meeting thereof, after such vacancy, elect from among the mem- 15 bers of the Council, another fit person to be Mayor for the re- mainder of the period for which the Mayor whose place is to be supplied was to have served; and the said Council shall from time to time exercise a like power in the event of any further vacancy during the said period: And if any person be elected at the same 20 time Mayor of the said City and Councillor for any of the Wards thereof, he shall be held and bound to declare within four days after notice given to him of the said election, which office he will accept; provided that if he be not legally excused from accepting the office of Mayor, he shall be held and bound to accept the same, and shall incur or pay a fine of *one hundred pounds* for 25 non-acceptance thereof, to be paid to the Treasurer of the said City to and for the use and purposes thereof, and if not forthwith recovered, levied and applied in the manner provided with paid to regard to the recovery, levying and application of the fine now imposed for the non-acceptance of the office of Mayor, and the 30 said fine shall be incurred and paid, notwithstanding that the person so elected as Mayor, and refusing to accept the office, shall at the same time accept the office of Councillor; Provided always, that if any person so elected Mayor and Councillor at the same time shall accept the said office of Mayor, then a new election of Councillor 35 shall be held for the Ward for which such person was elected Councillor, within a period to be appointed by the Mayor for that purpose, and in the manner and subject to the same conditions as are by law provided for extraordinary vacancies in the office of Councillor: Provided also, that any person being then a Coun- 40 cillor may be elected Mayor by the voters at any annual election as aforesaid; and that if any person being then a Councillor shall be elected Mayor either by the voters at any annual election or by the Council in the case of a vacancy in the Office of Mayor, such person shall be bound to accept the said Office or to pay the 45 penalty aforesaid for non acceptance; and the seat of any Coun-

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cillor elected Mayor by the voters at their annual election shall be vacated and another Councillor shall be elected in his stead, but the seat of a Councillor elected Mayor by the Council shall not be thereby vacated.

5 V. And be it enacted, That the powers, authority, rights and duties of the Mayor as now by law established, shall in no wise be affected, changed or altered by this Act, anything therein contained to the contrary notwithstanding, and the Mayor shall be, to all intents and purposes, a Member of the City Council, notwithstanding any provision limiting the number of Members thereof, but shall not vote at meetings of the said Council, except only in the cases in which the Mayor is now allowed to vote at such meetings.

Powers and duties of Mayor to remain as at present.

15 VI. And be it enacted, That so much of the ordinance of the Legislature of Lower Canada, passed in the third and fourth year of Her Majesty's Reign, intituled, "*An ordinance to incorporate the City and Town of Quebec,*" and of the ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, intituled, "*An ordinance to amend an ordinance to incorporate the City and Town of Quebec,*" and also of an Act of the Legislature of this Province passed in the eighth year of Her Majesty's Reign, intituled, "*An Act to amend the ordinance incorporating the City of Quebec,*" or any other Act or law, as may be inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

So much of Ord., of L. C. 3 and 4 V. c. 35. 4 V. c. 31, or of Act. 8 V. c. 60 as is inconsistent with this Act, repealed.

VII. And be it enacted, That this Act shall be deemed a Public Act.
Public Act.