

No. 101.

2nd Session, 3rd Parliament, 12 Victoria, 1849

BILL,

An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

Received and Read a first time, Monday, 19th
February, 1849.

Second Reading, Monday, 5th March, 1849.

Mr. CHABOT.

BILL.

An Act to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

WHEREAS it has become expedient and Preamble.
 necessary to amend and consolidate the provisions contained in a certain Ordinance of the Legislature of the Province of Lower Canada made and passed in the Session held in the third and fourth years of Her Majesty's Reign, intituled "*An Ordinance to Incorporate the City and Town of Quebec,*"—and in a certain other Ordinance of the Legislature of the said Province made and passed in the fourth year of Her Majesty's Reign, intituled "*An Ordinance to amend the Ordinance to Incorporate the City and Town of Quebec,*"—and also in a certain Act of the Legislature of this Province, made and passed in the eighth year of Her Majesty's Reign, intituled "*An Act to amend the Ordinances Incorporating the City of Quebec,*"—and also in a certain Act of the Legislature of this Province, made and passed in the eighth year of Her Majesty's Reign, intituled "*An Act further to amend the Ordinances Incorporating the City of Quebec, and for other purposes,*"—and to vest more ample powers in the Corporation of the said City and Town: Be it therefore enacted, &c.

3 and 4 Vict. c. 35.
4 Vict. c. 31.
And 8 Vict. c. 60, cited.

And it is hereby enacted by the authority of the same, That the Inhabitants of the said City and Town of Quebec, and their successors, Inhabitants of the same, incorporated under the said Ordinance herein first men-

City and Town of Quebec to continue to be incorporated.

Corporate
name and pow-
ers.

tioned, shall continue to be and shall be as provided in and by the said Ordinance herein first mentioned, a Body Corporate in fact and in name, by and under the name, style and title of "*The Mayor, Councillors and Citizens of the City of Quebec*," and as such shall have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity and other places, in all manner of actions, causes and matters whatever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, movable and immovable estate, and of granting, selling, alienating, assigning, demising and conveying the same and of entering into and becoming a party to contracts, and for granting and accepting any bills, bonds, judgments or other instruments of securities, for the payment or securing of the payment of any money borrowed or lent, or the performance or securing the performance of any other duty, matter or thing whatsoever.

What shall
constitute the
City of Que-
bec.

II. And be it enacted, That as well the tract of land which in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing date the seventh day of May in the year of Our Lord one thousand seven hundred and ninety one, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending to low water mark of the River St. Lawrence in front of the said City and Town, together with the bed of the River St. Charles opposite the said City adopted at high water mark of the northern side of the said River, from the prolongation of the line from St. Ours

street to the north-eastern extremity of the wharf now owned by John Munn, Esquire, being the prolongation of the line from St. Roch street; and from the north-eastern extremity
 5 of the said last mentioned wharf in a line drawn east until it reaches the low water mark of the said River St. Lawrence, shall from and after the passing of this Act constitute and be and be called the City of Quebec :
 10 And that all wharves, piers and other erections made or to be made in the said River St. Lawrence opposite to and adjoining the said City and Town, though beyond the low water mark of the said River, shall be held
 15 and considered to be within the limits of the said City.

III And be it enacted, That for the purposes of this Act, the said City of Quebec shall be and is hereby divided into six Wards
 20 to be called respectively, St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward and St. John's Ward.

City of Quebec divided into wards.

IV. And be it enacted, That the boundaries and limits of the said Wards shall be as
 25 follows, that is to say :—

Boundaries of the wards.

1st. Saint Lewis Ward shall comprise all that part of the Upper Town within the Fortifications, and south of a line drawn from Prescott Gate to St. John's Gate along the
 30 middle of Mountain Street, Buade Street, Fabrique Street and St. John's Street.

St. Lewis Ward.

2nd. Palace Ward shall comprise all that
 part of the Upper Town within the Fortifications, and not included in St. Lewis Ward.

Palace Ward.

35 3rd. Saint Peter's Ward shall comprise all that part of the Lower Town, bounded on the south by a line drawn from the middle of Sous-le-Fort Street, and prolonged in the same direction to low water mark in the
 40 River St. Lawrence at the one end, and to the cliff below the Castle of St. Lewis at

St. Peter's Ward.

the other, and on the west by the eastern limits of the Parish of St. Roch, together with all wharves, piers and other erections opposite to this part of the Lower Town, although built beyond the low water mark in the said River. 5

Champlain
Ward.

4th. Champlain Ward shall comprise all that part of the Lower Town lying between St. Peter's Ward and the limits of the said City, together with all wharves, piers and other erections opposite to this part of the said Lower Town, although built beyond the low water mark in the said River. 10

St. Roch's
Ward.

5th. Saint Roch's Ward shall comprise all that part of the Parish of Saint Roch which lies within the limits of the said City of Quebec. 15

St. John's
Ward.

6th. Saint John's Ward shall comprise all that space bounded by Saint Roch's Ward, the Fortifications, the limits of the said City, and the Cime du Cap, on the bank of the St. Lawrence. 20

Mayor and
Councillors to
be elected.

V. And be it enacted, That there shall be elected in the manner hereinafter mentioned one fit person, who shall be and be called the Mayor of the said City of Quebec, and a certain number of fit persons who shall be and be called Councillors of the said City, and such Mayor and Councillors for the time being, shall be and be called the Council of the said City. 25 30

Qualification
of a Council-
lor.

VI. And be it enacted, That no person shall be capable of being elected a Councilor of the said City of Quebec unless he shall have been a resident householder within the said City for one year next before such election, and unless he shall be seized or possessed to his own use of real or personal estate or both, within the said City, after payment or deduction of his just debts, of the value of five hundred pounds currency; 35 40

and that no person shall be capable of being elected an Assessor for the said City unless he be seized or possessed to his own use of real or personal estate or both, within the said City, after payment of his just debts, of the value of two hundred and fifty pounds currency.

VII. And be it enacted, That no person shall be capable of being elected Mayor or Councillor of the said City of Quebec, or of voting at any election of City Officers, who shall not be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor shall any person be capable of voting or being elected at any such election who shall have been attainted for treason or felony in any Court of Law within any of Her Majesty's dominions.

VIII. And be it enacted. That no person being in Holy Orders, or being a Minister or Preacher of any Dissenting or Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, or any person accountable for the City revenue, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding at any election of a Councillor or Councillors, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City.

IX. And be it enacted, That the Councillors of the said City of Quebec, at the periods hereinafter mentioned, shall be chosen by the majority of votes of the qualified electors within the Wards for which such election shall be had, and that no others than the persons having the qualifications in this clause mentioned shall have a right to vote; that is to say:—

1st. All proprietors and co-proprietors of

a lot of ground, with or without any buildings thereon erected, of the yearly value of and assessed at the sum of six pounds currency, and in the case of co-proprietors the interest of each in the property must be equal to six pounds currency per year. 5

2nd. All tenants of a dwelling house, shop or other building or part thereof paying a yearly rent of six pounds; in the case of several tenants holding in virtue of the same lease, each tenant must pay the sum of six pounds yearly to entitle him to vote at the said election. 14

3rd. All persons holding immovable property *à titre d'usufruit* of the yearly value of six pounds; and in the case of joint usufructuaries the interest of each must be equal to six pounds per year, and assessed at that amount.

4th. No person qualified as now stated shall have the right of voting at such election unless such person shall have attained the age of twenty-one years, and shall have paid the rate of assessment due by him at the time of such election. 20

Persons having a vote in two wards may vote only in the ward where he resides.

X. And be it enacted, That all persons resident in the City and qualified to vote in the Ward in which they reside, shall vote in no other Ward; and if not resident within the City but qualified to vote in two or more Wards, such person shall be bound to make his option of the one Ward only in which he is to vote. 25 30

Council to make provision for registration of votes.

XI. And be it enacted, That it shall be lawful for the said Council of the said City, by a By-law or By-laws to be enacted in this behalf, to make provision for the making of lists, or a registration of all persons qualified to vote at elections of Councillors and other City Officers in the said City, whereby the right to vote at such elections may be determined; and until such provision shall have 35 35

been made by such By-law or By-laws, every person desirous of voting at any election of Councillors, Assessors, or other City Officers as aforesaid, shall, before he be permitted to vote, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election; which oath the officer or person holding such election is hereby authorized and required to administer.

XII. And be it enacted, That after provision shall have been made by a By-law or By-laws as aforesaid, for the making of lists or a registration of persons qualified to vote, whereby the right in individuals to vote may be determined as aforesaid, every person desirous of voting at any election of a Councillor or Councillors, Assessor or Assessors, as aforesaid, shall, before he be permitted to vote, produce a certificate under the hand of the proper officer, of his qualification, pursuant to any such By-law, and also the receipt of the City Treasurer for his assessment then due, and shall, if required by the officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorized and required to administer, that is to say:—

Voters to produce certificate or qualification before voting.

“I do swear that I am the person described in the certificate that I now produce, that I have attained the age of twenty-one years, and that I have not before voted at this election: So help me God.”

Oath to be taken.

XIII. And be it enacted, That the said several Wards shall be represented in the Council of the said City as follows, to wit: Saint John's Ward and St. Roch's Ward by four Councillors each, and each of the other Wards of the said City by three Councillors.

Representation of wards.

Election of
Councillors,
&c.

XIV. And be it enacted, That on the first Monday in February, which will be in the year one thousand eight hundred and

the qualified electors shall openly assemble in the several wards aforesaid, and elect, from the persons qualified to be Councillors, one fit and proper person to be Councillor for each of the said wards, to supply the place of those who shall then go out of office; and also, from the persons qualified to be Assessors, one fit and proper person for each of the said wards respectively, and that on the first Monday in February, in each succeeding year, the qualified electors as aforesaid shall openly assemble in the several wards aforesaid, and elect from the persons qualified to be Councillors for each of such wards, such number of fit and proper persons as shall be required to supply the places of those who shall then go out of office, and also, from the persons qualified to be Assessors as aforesaid, one fit and proper person to be Assessor for each of the said wards respectively: Provided always, that if the day so appointed for such election shall in any year happen to be a holiday, such election shall take place on the day following.

Provided.

Where a person shall be elected for more than one ward.

XV. And be it enacted, That if at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall within three days after notice thereof from the City Clerk, make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only.

Elections where to be held.

XVI. And be it enacted, That all elections of Councillors and Assessors to be had under the provisions of this Act, shall be held at convenient places in the said several Wards of the said City, and shall respectively

be held by and before such of the Council-
 lors of the said City as may by the Mayor
 of the said City for the time being be
 appointed, or in the case of vacancy in the
 5 office of Mayor by the Council of the said
 City; and any and every Councillor so
 appointed under the provisions of this Act
 who shall refuse or neglect to accept such
 appointment, or who shall refuse or neglect
 10 to perform the duties resulting from such
 appointment, or any one or more of these
 duties, shall pay to the Treasurer of the said
 City a fine of *fifty pounds* currency; and
 every Councillor so appointed under the
 15 provisions of this section shall accept such
 appointment by serving a notice in writing
 to that effect upon the City Clerk within
 forty-eight hours after notice given to him of
 his appointment by the Clerk of the said
 20 City; if such appointment be not accepted,
 or if the duties thereof be not fulfilled within
 the proper time, a new appointment may be
 made by the Mayor, or in case of a vacancy
 in the office of Mayor, by the Council of the
 25 said City; and after such new appointment
 shall have been made either by the Mayor or
 Council, but not before, the appointment
 previously made of the Councillor in default
 shall be void and of no effect; Provided
 30 always, that the neglect of any Councillor
 to accept such appointment in writing as
 aforesaid, if he in other respects discharge
 the duties resulting from such appointment,
 shall not invalidate any act or thing done by
 35 him under such appointment, although such
 neglect shall subject the party so in default
 to the penalty aforesaid.

XVII. And be it enacted, That any Coun-
 cillor so appointed to hold any such election
 40 shall have power to nominate and appoint
 in writing under his hand a fit person or per-
 sons to act and assist him as clerk or clerks
 of the poll, and the person so appointed,
 before acting, shall take the following oath,

Poll Clerks to
 be appointed.

which such Councillor is hereby empowered and required to administer, that is to say :

Oath to be taken by them.

“ I, A. B., having been named by C. D., Councillor, to act as a clerk at the ensuing election of a Councillor or Councillors and 5 Assessors for the Ward of do solemnly swear (*or being a Quaker, do solemnly affirm*) that I will faithfully, and to the best of my ability, fulfil all the duties imposed on me by law under and by virtue 10 of my said appointment, without partiality, fear, favour or affection : So help me God.”

Hours during which Poll shall be held.

XVIII. And be it enacted, That at elections of Councillors and Assessors aforesaid, the poll shall be opened at nine o'clock in 15 the forenoon, and if contested, the poll shall continue open till five o'clock in the afternoon, during two successive days ; and the name of each elector voting at such election shall be written in Poll Lists, to be kept at 20 such election by the officer or person holding the same ; and after finally closing the poll at any such election, the officer or person by whom the same shall be held, shall forthwith proceed publicly to declare the number of 25 votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favour, to be duly elected Councillor or Councillors, or 30 Assessors, as aforesaid ; and if there should be at the final closing of the poll as aforesaid, an equal number of votes polled for two or more persons to be Councillors or Assessors as aforesaid, it shall be lawful for the 35 officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority for one of 40 them, and determine the election ; and the poll lists kept at such election shall, by the officers or persons holding the same, be delivered within three days after the conclusion

of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector on the payment of a fee of one shilling; Provided, that when the electors are unanimous in their choice, the officer or person presiding at the election shall forthwith proclaim the candidate or candidates so chosen duly elected Councillors or Assessors without its being necessary that any poll be held.

XIX. And be it enacted, That each and every person who shall at an election of a Councillor or Councillors, or Assessors, to be had as aforesaid, wear or carry any flag; ribbon or cockade, or other badge or mark whatever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall by violence, menace or malicious practice, or in any manner or way whatsoever, impede or disturb, or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall on conviction thereof forfeit and pay the sum twenty-five pounds current money of this Province, for every such offence.

XX. And be it enacted, That every Councillor or other person holding any such election, shall have power and authority to maintain and enforce order and keep the peace at the election held by him, and all officers and non-commissioned officers of militia, constables and other peace officers, and also all others Her Majesty's subjects, within the limits of the ward of the City for which such election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein; and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves or other offensive weapons, or wear or carry any flag, ribbon, or cockade or other

hadge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates, or in anywise disturb or threaten to disturb the peace or order at such election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in anywise interrupt the poll, or the business thereof, the said Councillor or other person holding any such election, shall have power and authority, on view or on the oath of one credible witness (which oath the said Councillor or other person holding such election is hereby authorized and empowered to administer), to arrest or confine or commit to prison any such person or persons so offending, by an order in writing directed to any officer of militia, or any peace officer within the limits of the place for which such election is held, or to the gaoler of the District of Quebec; which order such officer of militia, peace officer or gaoler is hereby required and commanded to obey under a penalty not exceeding twenty-five-pounds current money of this Province for disobedience thereto; Provided, the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours; And provided also, that no such arrest, confinement or imprisonment, shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable for any thing done contrary to the true intent and meaning of this Act.

Proviso.

Proviso.

Provision in case Poll shall be interrupted by death or illness of person holding the Poll.

XXI. And be it enacted, That: if at any election of a Councillor or Councillors or Assessors, to be had as aforesaid, the poll shall be interrupted by the death or severe illness of the Councillor or other person holding such election, the person or persons authorized by him to aid and assist him as Clerk or Clerks, and sworn as hereinbefore directed, shall, under the penalty of ten pounds current money of this Province, forth-

with assume the functions of the Councillor or other person holding such election, and shall proceed to take the poll, and act in every respect in the same manner as if he
 5 or they had been the Councillor appointed to hold such election, and with all and every the powers and authority appertaining to the appointment of such Councillor appointed to hold such election, of all which the said
 10 Clerk or Clerks shall make a particular entry in the Poll Book, as well as make a special return, unless his or their authority shall have been previously superseded by the recovery of the Councillor appointed to hold
 15 such election, from such illness as aforesaid.

XXII. And be it enacted, That the Mayor and Councillors of the City of Quebec, who shall be in office when this Act shall come
 20 into force, shall continue in office until required to go out of office under the provisions of this Act: and the person who shall so be the Mayor of the City of Quebec at the time this Act shall come into force, shall
 25 continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act; and on the first Monday in February, in the year eighteen hundred and
 30 , and on the first Monday in February in each succeeding year, those Members of the Council for each Ward respectively shall go out of office who shall have been Members thereof for the longest
 35 time without re-election: Provided always, Proviso. that at the next ensuing election of Councillors for the said City for St. John's Ward, the Councillor who had the least number of votes at the election in the year 1846, shall
 40 go out of office at the next Election to be held on the first Monday of February, in 1849, and the Councillor having the next lowest number of votes at the election in 1846 shall go out of office at the election to
 45 be held on the first Monday in February,

Proviso.

1850; and that at all ensuing Annual Elections, when two or more Councillors in each Ward have been elected the same day, the Councillor having the lesser number of votes shall go out of office first: Provided also, 5
 that if on the first Monday in February, eighteen hundred and forty-nine, or any subsequent year, there shall be a vacancy or vacancies in the office of any Member or Members of the Council for any Ward, who 10
 would not, under the provisions of this section, have gone out of office on that day, then a Member or Members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the Member who 15
 shall then go out of office under the provisions of this section; And provided further, that any Member going out of office, may be re-elected, if then qualified according to the provisions of this Act; and if in any year the 20
 first Monday in February be a holiday, all that by this section is ordered to be done on that day shall be done on the following day.

Proviso.

Quarterly meetings, when held.

XXIII. And be it enacted, That there 25
 shall be in each year four Quarterly Meetings of the said Council, which shall be held on the following days, that is to say: on the second Monday in the months of March, June, September and December, in each and every 30
 year; and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included; provided that if the said Monday be a holiday, the meeting shall 35
 take place on the day following.

Election of Mayor, when to take place.

XXIV. And be it enacted, That at the first Quarterly or Special Meeting of the said Council, after the election of Members thereof, in the year of Our Lord one thousand 40
 eight hundred and forty , and in each succeeding year, the said Council shall elect out of the Members thereof a fit person to be Mayor of the said City, who shall conti-

nue in office as Mayor until his successor in the said office of Mayor shall have been appointed and sworn in; and in case a vacancy shall occur in the office of Mayor, by reason of any 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 of the said Council after such vacancy, elect out of the Members of the Council another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to serve.

15 XXV. And be it enacted, That whenever and so long as the Mayor of the said City may be absent from the said City, or from sickness be incapable of discharging the duty of Mayor of the said City, the said Council shall elect from any Members of the Council of the City one who shall, during such absence or sickness of the Mayor of the said City, have all the power, authority, and rights vested by law in the Mayor of the said City, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the Mayor of the said City; and whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect, from any Members of the said Council, one who shall during such vacancy act as Mayor of the said City, and shall, until such vacancy be filled up have all the authority, power, and rights vested by law in the Mayor of the said City.

Provision in case of absence of Mayor.

40 XXVI. And be it enacted, That at the Quarterly Meeting to be held by the said Council in the month of March, in the year one thousand eight hundred and forty , and at the Quarterly Meeting to be held by the said Council in the month of March in each succeeding year, or at any Special

Auditors to be elected by Council.

Meeting subsequent thereto, the Members of the said Council shall elect by a majority of votes from the persons qualified to be Councillors, two persons who shall be and be called Auditors of the said City of Quebec ; and every such Auditor shall continue in office for the year following his election ;

Proviso. Provided always, that in every such election of Auditors, no Member of the said Council shall vote for more than one person to be such Auditor as aforesaid : And provided also, that no Member of the said Council, nor the Clerk nor the Assistant Clerk of the said City, shall be capable of being elected an Auditor as aforesaid ; And provided further, that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any General or Special Meeting ; and the person so elected shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Mayor, &c., to take oath of allegiance and of office and qualification.

XXVII. And be it enacted, That no person elected to be Mayor, Councillor, Assessor or Auditor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Councillors, (who are hereby respectively authorized and required to administer the said oath to each other,) the oath of allegiance to Her Majesty, Her Heirs and Successors, and also an oath in the words or to the effect following, that is to say:—

Oath of office and of qualification.

“ I, A. B., having been elected Mayor, (Councillor, Assessor or Auditor, as the case may be,) for the City of Quebec, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized or possessed, for my own

use, of real or personal estate, or both, in the said City of Québec, after the payment or deduction of my just debts, of the value of

and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Councillor, Auditor, or Assessor, as the case may be,) as aforesaid: "So help me God."

10 XXVIII. And be it enacted, That every ^{Penalty for non-acceptance of office.} person duly qualified, who shall be elected to the office of Councillor, Assessor or Auditor as aforesaid, of the said City, and every Councillor who shall be elected to the office
 15 of Mayor of the said City, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said City, and for the use of the said City, a fine as follows, that is to
 20 say: for the non-acceptance of the office of Councillor, a fine of *fifty* pounds; for non-acceptance of the office of Auditor or Assessor, a fine of *fifty* pounds; and for non-acceptance of the office of Mayor, a fine of
 25 *one hundred* pounds; and every person so elected shall accept such office by taking the oath of allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after notice of his
 30 election, and in default thereof shall be liable to pay the fine aforesaid as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election to be made in the
 35 manner hereinbefore prescribed as by law or any By-law of the said Council may be required: ^{Proviso.} Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid: ^{Proviso.} And
 40 provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already

have served such office or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office if he shall claim such exemption within five days after the notice of his election from the City Clerk: And provided also, that no Military, Naval or Marine Officer in Her Majesty's service on full pay, nor any Member of the Legislature of this Province, nor any Surveyor General, nor any Adjutant General, or Deputy Adjutant General of Militia, or Provincial Secretary, nor the Deputy Post Master General or his Deputies, nor any Custom House officer, Sheriff, or Coroner, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any School-master, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

Persons exempted from serving in the Council.

Cases in which the Mayor or Councillors may become disqualified.

XXIX. And be it enacted, That if any person holding the office of Mayor or Councillor shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or being Mayor, shall be absent from the said City for more than two calendar months, or being a Councillor, for more than six months at one and the same time (unless in case of illness), then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor or Councillor as aforesaid; and in the case of such absence shall be liable to the same fine as if he had refused to accept such office.

The Mayor and Councillors to be Justices of the Peace while in office.

XXX. And be it enacted, That the Mayor of the said City, for the time being, shall be a Justice of the Peace for the City and District of Quebec without further qualification, and that the Councillors of the said City for the time being, shall severally be Justices of

the Peace for the said City of Quebec without further qualification, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said City, to
 5 grant and allow to the said Mayor, for the time being, in lieu of all fees and perquisites, such salary not exceeding *three hundred pounds* and not less than *one hundred and fifty pounds*, as the said Council shall think
 10 fit.

XXXI. And be it enacted, That it shall be lawful for the said Council of the said City, from time to time as occasion may require, to appoint a fit and proper person, not
 15 being a Member of the Council, to be Clerk of the said City,—and another fit person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said City,—one or more fit person or persons,
 20 not being Members of the Council, to be the Clerk or Clerks of the Markets of the said City,—and one or more Surveyor or Surveyors of Highways, Streets, and Bridges,—and such number of Overseers of Highways,
 25 Streets, and Bridges, as they may deem necessary,—and one Collector for each of the Wards of the said City,—one or more Pound-Keeper or Pound-Keepers for the said City,—and such other officers as they may think
 30 necessary, to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer and ap-
 35 point another in his place, and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other officer as they shall think proper, and shall and may grant and allow to
 40 the City Clerk, Treasurer, and other officer, to be appointed as aforesaid, such salary and allowance or other compensation for their services as they may think fit; and whenever and so long as any officer named by the
 45 said Council of the said City may be absent

Appointments
of officers of
Council.

from the said City, or from sickness or any such cause be incapable of discharging the duties of the office of the said officer, it shall be lawful for the Mayor of the said City by a writing under his hand to appoint a fit and proper person to be assistant to any such officer named by the said Council of the said City; and every such assistant shall, during the time for which he may be so appointed, discharge the duties of the office of any such officer named by the said Council, and all acts, matters and things done by the said assistant, during the time of his appointment, shall have the same force and effect as if performed by any such officer named by the said Council of the said City.

How extraordinary vacancies of Councillors and Assessors shall be filled up.

XXXII. And be it enacted, That if after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said City or in the office of Assessor for any Ward thereof; the persons qualified to vote in the Ward for which such vacancy shall have occurred shall on a day to be appointed by the Mayor after such vacancy shall have occurred, elect from the persons qualified to be Members of the Council, a person duly qualified to fill such vacancy, and such election shall be held, and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions in this Act contained, with respect to other elections of Members of the said Council; And every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would in ordinary course, have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year; That should any Councillor, after having been in office for and during the time of six months, intimate to the

Proviso.

Council his desire to resign, he shall be allowed to do so with the consent of three fourths of the Members present when such desire may be so intimated, and his place shall be filled up in the manner herein provided for filling up extraordinary vacancies.

XXXIII. And be it enacted, That so much of a certain Act of the Legislature of the Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled, "*An Act for Making, Repairing and Altering the Highways and Bridges within this Province, and for other purposes,*" as provides for the appointment of Assessors and of a Road Treasurer for the said City of Quebec; and also of a certain Act of the Legislature of the said Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "*An Act to increase the number of Assessors for the Cities of Quebec and Montreal,*"—and also so much of a certain other Act of the Legislature of the said Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, "*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,'*" as provides for the appointment of a Surveyor of the highways, streets, lanes and bridges in the said City of Quebec, by the Governor, Lieutenant Governor or Person administering the Government of the said Province of Lower Canada, and which were repealed by the said Ordinance to incorporate the City and Town of Quebec, shall continue to be and shall be and remain repealed; and all and every the powers, authority and duties which in and by the said Acts, or any other Act or Acts of the Legislature of the said Province of Lower Canada,

Part of 36 Geo. 3, c. 9, (Assessors and Road Treasurers.)

Of 9 Geo. 4, c. 16.

And of 39 Geo. 3, c. 5 repealed.

were, before the passing of the said Ordinance to incorporate the City and Town of Quebec, vested in and imposed on the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road Treasurer, and of the said Surveyor of highways, streets, and bridges in the said City, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinance to incorporate the City and Town of Quebec, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance, and on the Treasurer of the said City, and on the Surveyor of highways for the said City of Quebec, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be and shall be and remain vested in and imposed on the Assessors, Treasurer and Surveyor of highways for the said City of Quebec respectively, who may be in office under the authority of the said last mentioned Ordinance when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of the present Act.

Provision as to
assessment of
property of ab-
sentees.

XXXIV. And be it enacted, That in the event of the absence from the said City of the owner or owners of any real property therein liable to assessment, and the non-payment of the assessment on any such real property by any agent or other person on behalf of the said absent owner or owners thereof, an increase of ten per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon and be made to all arrears of assessment due on such property so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years non-payment of the said arrears of assessment and increase of ten per cent.

thereon, be liable to be sold therefor; and the Sheriff of the District of Quebec is hereby authorized and empowered to sell and dispose of any and all such property 5 after six months notice to that effect given by him the said Sheriff, in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per 10 centage due thereon for the said period of five years, whether the said judgment be obtained in the Court of Queen's Bench or in any Court of Special or Weekly Sessions, or in the Mayor's Court hereafter established 15 in and by this Act; and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the Court of Queen's Bench, to be by the said Court adjudged 20 upon, distributed and ordered to be paid according to law, and the rights and privileges of the parties claiming the same.

XXXV. And be it enacted, That the Treasurer of the said City shall, in books to 25 be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer; and of the several matters for which such sums shall have been received and paid; and the books containing 30 the said accounts shall at all seasonable times be open to the inspection of any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the 35 months of May and November in every year be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such number of the said Council as the Mayor of the said City shall name, on 40 the first day of May in every year; or in case of any extraordinary vacancy of office within ten days next after such vacancy, for the purpose of being examined and audited from the first day of November in the year 45 preceding the first day of May, and from

Treasurer to keep accounts of sums paid and received by him.

the first day of May to the first day of November in the year in which the said auditors shall have been elected and named, and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City, and copies thereof shall be delivered to all rate-payers of the said City applying for the same, on payment of a reasonable price for each copy.

Treasurer not to pay moneys without an order signed by three members of Council, &c.

XXXVI. And be it enacted, That the Treasurer of the said City shall not pay any moneys, in his hands as such Treasurer, otherwise than upon an order in writing of the Council of the said City, signed by three or more Members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a judgment or order of any Court of Justice; and that no Justice of the Peace shall have the right to order any payments to be made out of the funds of the said City.

Officers of Corporation to render an account in writing, &c.

XXXVII. And be it enacted, That the Clerk, Treasurer and other officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act; and also of all moneys which shall have been by them respectively received by virtue and for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouch-

ers for such payments; and every such
 officer shall pay all such moneys as shall re-
 main due from him to the Treasurer for the
 time being, or to such person as the said
 5 Council shall authorize to receive the same;
 and if any such officers shall refuse or wil-
 fully neglect to deliver such account, or the
 vouchers relating to the same, or to make
 payment as aforesaid, or shall refuse or wil-
 10 fully neglect to deliver to the said Council,
 or to such person as they shall authorize to
 receive the same, within three days after be-
 ing thereto required by the said Council, all
 books, documents, papers and writings in
 15 his custody or power as such officer as afore-
 said, then, and in every such case, on com-
 plaint made on behalf of the said Council of
 any such refusal or wilful neglect as afore-
 said, to any Justice of the Peace for the Dis-
 20 trict or County wherein such officer shall
 reside or be, such Justice of the Peace shall
 be and is hereby authorized and required to
 issue a warrant under his hand and seal for
 bringing any such officer before any two
 25 Justices of the Peace for such District or
 County; and upon the said officer appear-
 ing or not appearing, or not being found, it
 shall be lawful for the said Justices to hear
 and determine the matter in a summary man-
 30 ner; and if it shall appear to such Justices
 that any moneys remain due from such of-
 ficer, such Justices may, and they are hereby
 authorized and required, on non-payment
 thereof, by warrant under their hands and
 35 seals to cause such moneys to be levied by
 distress and sale of the goods and chattels of
 such offender; and if sufficient goods and
 chattels shall not be found to satisfy the said
 moneys and the charges of the distress, or if
 40 it shall appear to such Justices that such
 officer has refused or wilfully neglected to
 deliver such accounts or the vouchers relat-
 ing thereto, or that any books, documents,
 papers or writings which were or are in the
 45 custody or power of such officer in his of-
 ficial capacity, have not been delivered as

aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or County where such officer shall reside or be, there to remain without bail until he shall have paid such moneys as aforesaid, and shall have delivered a true account as aforesaid, and until he shall have delivered up such books, documents, papers and writings as aforesaid, or have given satisfaction in respect of the matters aforesaid to the said Council: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer.

Proviso. 5

Proviso. 10

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A majority of the members to determine petitions submitted to the Council.

XXXVIII. And be it enacted, That in all meetings of the said Council, to be held in pursuance of this act, a majority of the Members present at such meeting, shall determine all questions and matters submitted to or under the consideration of the said Council, provided that the number present at the said meeting be not less than one third part of the whole number of the said Members of the said Council; and at all such meetings, the Mayor of the said City, if present, shall preside, and in case of his absence, such Councillor as the Members of the Council so assembled shall choose to be Chairman of any such meeting, shall preside at the same; and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not, in any case, while so presiding, have a vote as a Member of the Council, nor unless the votes be as aforesaid equally divided.

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XXXIX. And be it enacted, That the said Council shall and may meet, for the despatch of the business of the City, at such fixed periods as shall be determined by a By-law, and may adjourn from time to time, to such day as they shall think fit, giving notice thereof to all the Councillors not present at the adjournment.

Time of meeting of Council to be determined by a By-law.

XL. And be it enacted, That minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of all persons qualified to vote, at the election of Councillors, on payment of a fee of *one shilling*, and the said meetings shall be held with open doors, and all extracts from the book required to be kept by this section of this Act, and all copies of entries therein, and generally all certificates, deeds and papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the seal of the said City, shall in all Courts of Justice in this Province be taken and received as evidence of the facts set forth in such extracts, copies, certificates, deeds and papers, respectively; and that any copy of a By-law of the Corporation or other Document, certified by the City Clerk or by his deputy, and having the common seal of the said Corporation thereto annexed, shall be held authentic, and shall accordingly be received in evidence, in all Courts civil or criminal, without further proof, unless it be expressly pleaded that such signature and seal are forged.

Minutes of proceedings to be drawn up and entered in a book kept for that purpose.

Certified and sealed copies of By-laws to be evidence in Courts of Justice.

XLI. And be it enacted, That it shall be lawful for the said Council to appoint from and out of the Members comprising such Council, such and so many Committees, consisting of such number of persons as they may think fit, for the better transaction of the

Council to appoint Committees.

business before the Council, and for the discharge of such duties, within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority, and control of the said Council. 5

*Certain powers
of Court of
Quarter Ses-
sions &c., vest-
ed in Corpora-
tion.*

XLII. And be it enacted, That all and every the powers and authorities which in and by any Act of the Legislature of the Province of Lower Canada, in force at the time 10 of the passing of the said Ordinance to incorporate the City and Town of Quebec, had been and were, at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace 15 for the said District of Quebec, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Quebec, or any of them, for, touching or concerning the laying out, 20 making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses, sewers, market houses and weigh-houses, and other public 25 erections and works in the said City of Quebec, or any of them, and for, touching and concerning the dividing of the said City into divisions, and the appointment of overseers of highways, streets and bridges in the said 30 City, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to 35 the annual value thereof, within the said City of Quebec, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Quebec, became and were vested in the said Council of the said City of 40 Quebec, shall continue to be vested in and exercised by, and shall be and remain vested in and exercised by the said Council of the said City of Quebec; and all real and personal property within the said City, which 45

before the passing of the said Ordinance to incorporate the City and Town of Quebec, were subject to the management, control or authority of the Justices of the Peace for the said District of Quebec, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become and are subject to the power, authority, order and control of the said Council of the said City, shall continue to be and shall be and remain subject to the power and authority, order and control of the said Council of the City; and the said Council shall moreover have the exclusive power to grant or refuse ferry licenses to persons plying as ferrymen to the said City of Quebec from any place within twelve miles of the said City; any law, usage or custom to the contrary notwithstanding.

XLIII. And be it enacted, That it shall be lawful for the said Council of the said City of Quebec to borrow on the credit of the said City such sum or sums of money as the said Council for the said City may think proper to borrow on the credit of the said City; Provided always, that the total amount borrowed and remaining unpaid shall not exceed at any one time the sum of one hundred thousand pounds currency, and all and every public moneys raised or to be raised by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said City, as well as all other moneys hereafter to be raised or received by and under the authority of this Act or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said City, and with the payment of the sums of money which have been already borrowed by the said Council of the said City, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and

Corporation
may borrow
money.

Proviso.

owing by the said Council of the said City; and all sums of money heretofore legally borrowed by the said Council of the said City, and still remaining unpaid, and all sums of money hereafter to be legally borrowed 5 by the said Council of the said City, and generally all debts now legally due or hereafter to be legally due by the said Council of the said City, shall be payable from and out of all or any moneys that may be raised 10 or received by the said Council under the authority of this Act, or under the authority of other Acts now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever. 15

May make By-laws for certain purposes.

XLIV. And be it enacted, That it shall be lawful for the said Council at any meeting or meetings of the said Council composed of not less than two-thirds of the Members thereof, to make By-laws which 20 shall be binding on all persons, for the following purposes, that is to say :

For the good rule, &c. of the City.

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy, and local Government of the said 25 City.

Raising money by assessment, &c. &c.

For the raising, assessing, and applying such moneys as may be required for the execution of the powers with which the said Council is now or hereafter may be invested, 30 either by imposing tolls and rates, to be paid in respect of any public works within the said City, or by means of a rate or assessment to be assessed and levied each and every year, on real or personal property 35 or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed (excepting as hereinafter 40 provided) *one shilling and six pence* in the pound on the assessed yearly value of the property liable to such assessment, and by

imposing a duty or duties on the keepers of
 houses of public entertainment, as hotels
 and the retailers of spirituous liquors, and
 on all hawkers, pedlars, and petty chapmen,
 5 within the said City, and on proprietors,
 owners or keepers of theatres, circuses, or
 public exhibitions, or shows of any kind, or
 of horses or carriages of any kind kept for
 pleasure, for working, or for hiring out, or dogs
 10 or pigs, or of billiard tables or gambling houses,
 or place for gambling in the City where
 pigeon-holes, nine or ten pins (*quilles*), rou-
 lettes, bagatelles or any other game or games
 of chance are played within the said City,
 15 and on wholesale and retail dealers in goods,
 wares or merchandize of any kind, and the
 premises occupied by any and all such; on
 banks, bankers, bank agencies and bank-
 ing institutions of every kind in the said
 20 City, and the premises occupied or used by
 such banks, bankers, bank agencies, or bank-
 ing institutions; on all forwarding merchants
 or forwarders, and the premises occupied by
 them; on all brokers and money changers,
 25 and their premises; on the insurance com-
 panies and agencies therefor, and the premises
 occupied by them; on all agents of mer-
 chants residing without the limits of this Pro-
 vince; on gas companies, and the premises
 30 used and occupied by any or all such, within
 the said City; on keepers of eating houses,
 coffee houses, or ordinaries; on all auc-
 tioneers, grocers, bakers, butchers, hucksters,
 pawnbrokers, livery stable keepers or carters
 35 within the said City; and also on bakers, but-
 chers, carters, and hucksters, domiciliated with-
 out the limits of the City of Quebec, following
 the several trades or occupations within the
 limits of the City; on all trades and manu-
 40 factories carried on, exercised, or in opera-
 tion within the said City; on all breweries,
 distilleries, and founderies, and agents and
 agencies of breweries and distilleries; on
 all soap and candle factories; camphine
 45 or other oil factories; ginger beer, spruce
 beer, and root beer brewers and brew-

eries; on brick manufactories, wood dealers, and wood yards; on all ball alleys and other means of gambling; and on all tanneries and slaughter houses within the said City; and on all persons acting as ferry- 5
 rymen to the said City, or plying for hire for the conveyance of persons by water to the said City, from any place not more than fifteen miles distant from the same.

Commutation
 money for Sta-
 tute labour,
 &c.

For increasing the amount of the commu- 10
 tation money payable by each person liable to statute labour on the highways within the said City, to any sum not exceeding five shillings currency for each person so liable; and for obliging each and every person so 15
 liable to pay the amount of such commutation money so fixed without being allowed to offer his personal labour on the said Highways instead thereof, for and exempting from payment of such commutation money 20
 any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

Sites of Mar-
 kets, &c.

For changing the site of any market or 25
 market place within the said City, or to establish any new market or market-place now in existence, or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any 30
 other public purpose whatever, any law, statute, or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council, respecting any such market or market-place, any remedy 35
 such party may, by law, have against the Corporation of the said City for any damage by such party sustained by reason of such act.

Duties of
 Clerks of Mar-
 kets, &c.

For determining and regulating the pow- 40
 ers and duties of the Clerks of the markets in the said City, and of all other Officers and persons employed or to be employed by the

said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said
 5 markets or upon the said market-places; and for imposing, regulating, fixing and determining the duties, taxes, or rates to be paid by any person or persons selling or retailing in or at any of the said markets any provi-
 10 sions, vegetables, butcher's meat of any kind, grain, fowls, hay, straw, firewood, or any other thing or things whatever; and for regulating the conduct of all persons buying or selling in or at any of the said markets;
 15 and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said Council, and on the payment of such
 20 fees as the said Council may think fit to impose in that behalf, of any thing or things sold or offered for sale in or at any of such markets.

For regulating all vehicles of every kind Vehicle &c.
 25 whatever, in which any articles shall be exposed for sale in any public market, or in any street or public place within the said City, and for imposing a duty or duties on such vehicles, and establishing the mode in
 30 which such duty or duties shall be collected and paid.

For establishing a Board or Boards of Board of Health.
 of Health for and within the said City, and for appointing the Members thereof, and for
 35 making all such regulations as they may deem necessary for preserving the Inhabitants thereof from contagious or infectious disease, or for diminishing the danger of or arising from the same.

For regulating the weight and measure- Measurement of firewood, &c.
 40 ment of all firewood, coals and salt, and of all grain and lime brought into the said City for sale and consumption therein; for

regulating and determining in what manner, either by measurement or weight, or both measurement and weight, any or all of the said articles as shall hereafter be bought and sold in the said City, and for appointing 5
measurers and weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform.

Assessing proprietors of real property.

For assessing the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public streets or highways within the said City, and immediately in front of such 15
real property respectively, and for regulating the mode in which such assessment shall be collected and paid; Provided always that no such work shall be commenced before such assessment shall have been collected and 20
paid.

Proviso.

The proprietor to enclose their ground.

To compel the proprietor or proprietors of all real property within the City limits to enclose the same, and to keep the same clean and free from filth and dirt. 25

Removal of snow, &c.

For directing and requiring the removal at any time of the snow from the streets and the roofs of Houses, or of any filth, dirt, or other nuisance offensive to the inhabitants or prejudicial to public health, of any door- 30
steps, porches, railings, or other projections into or obstructions in any public street or highway within the said City, by and at the expense of the proprietors of the real property in or on which such projection or ob- 35
struction, filth, dirt or nuisance shall be found.

Lighting with Gas.

For defraying out of the funds of the said City the expense of lighting the said City, or any part thereof, with gas or with oil, or in 40
any other manner, and of performing all such work of any kind as may be necessary for such purposes, and for obliging the proprietors of real property in any part of the City

so lighted or to be lighted, to allow such work to be performed on or in such property respectively, and such pipes, lamps, lamp-posts, and other contrivances or things as
 5 may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any buildings thereon; the expense of all such work being in every case defrayed by the said Council, and out of the funds of the said
 10 City.

For altering the level of the footpaths Footpaths, &c. or other sidewalks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the
 15 convenience, safety and interest of the inhabitants of the said City; Provided always, Proviso. that the said Council shall make compensation out of the funds of the said City to any person whose property shall be injuriously
 20 affected by any such alteration of the level of any footpath in front thereof.

To pull down, demolish and remove, when necessary, at the expense of the proprietors Dilapidated walls, &c. or occupants, all walls, fences, or other
 25 buildings or erections encroaching on streets or public places, and all nuisances, old dilapidated or ruinous walls, chimneys and buildings that may endanger the public safety, and to determine the time and manner in
 30 which the same shall be pulled down, demolished or removed, and by what party or parties the expenses thereof shall be borne.

For regulating, fixing and determining the weight and quality of all bread that may Weight of bread, &c.
 35 be sold or offered for sale within the said City of Quebec, with the right of declaring forfeited all bread of any inferior weight or bad quality exposed or offered for sale; the bread so forfeited to be distributed to the
 40 poor, all provisions contained in the Ordinance passed in the seventeenth year of the Reign of His late Majesty King George the 17th Geo. 3, c. 10, repealed.
 Third, intituled, "*An Ordinance concerning Bakers of Bread, in the Towns of Quebec*
 45 "*and Montreal,*" to the contrary notwithstanding, which is hereby repealed.

- Apprentices.** For restraining, ruling and governing apprentices, domestics, hired servants and journeymen in the said City of Quebec, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Quebec. 5
- Gaming houses, &c.** To prevent, regulate and assess all gaming or the keeping of any gaming house or place for gaming in the said City. 10
- Ferryman.** For the government of persons plying as ferrymen to the said City of Quebec, from any place within fifteen miles of the said City, and to establish a tariff or tariffs of fees to be taken by such ferrymen, and also to fix and determine what places in the said City may be used as landing places, and respecting all other matters and things connected with such ferries and landing places. 15
- Attendance of Members at meetings of Council.** To compel the attendance of the members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance by the said Members of the said Council of their respective duties as Members of the said Council. 20 25
- Constabulary force.** For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force to be established under this Act, and for regulating the residence, classification, rank, service, inspection, and distribution of the said force; and for the government generally of the said constabulary force, so as to prevent any neglect of duty or abuse of power on the part of the members composing the said force. 30 35
- Assessing citizens for watering streets, &c.** For assessing the citizens residing in any particular street, lane, square or section of the City in any sum or sums necessary to meet the expense of sweeping and watering the said street, or removing the snow 40

- from the said street, lane, square or section of the City, provided that not less than two thirds of the said citizens residing as aforesaid, in such said street, lane, square or section shall have first prayed or demanded to have the same swept or watered, or the snow removed therefrom; and provided also that the said assessment shall in no case exceed the amount of *three pence* in the pound:
- 10 To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value by any mob, tumultuous assemblage or riotous persons whomsoever in the said City.

- And by any such By-law, for any of the purposes of this Act, the said Council may impose such fines not exceeding *five pounds* or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same, and also may impose a similar fine and imprisonment for any continuance or continuances of an offence which any By-law of the said Council may prohibit.

- XLV. And be it enacted, That it shall moreover be lawful for the said Council of the said City at a meeting or meetings of the said Council composed of not less than two thirds of the Members of the said Council, to make By-laws, which shall be binding on all persons for the following purposes, that is to say:

- To make a tariff of rates to be paid by all persons using any wharf or part of a wharf the property of the Corporation, and to enforce payment of the same by a penalty or imprisonment.

Construction
of buildings so
as to prevent
accidents by
fire.

To prevent the erection or construction of any wooden buildings, within the limits of the said City, or within any portion thereof.

To prescribe and regulate the manner of constructing and erecting buildings so as to prevent accidents by fire. 5

To make such rules and regulations to prevent accidents by fire, as by the said Council shall be deemed meet and just.

May or may
order Sheriffs
to demolish
wooden build-
ings.

XLVI. And be it enacted, That in the event of any person erecting or constructing any wooden buildings contrary to the said By-laws, it shall be lawful for the Mayor, with the consent of the Council expressed in a Resolution to that effect, by a precept addressed to the Sheriff of the District of Quebec, signed by the said Mayor, countersigned by the City Clerk, and under the Seal of the said Corporation, to order the said Sheriff to demolish and remove such buildings, and the said Sheriff immediately on the receipt of such precept, shall demolish and remove the said building. 15 20

Council may
make By-laws
for

XLVII. And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire herein, be it enacted, That from and after the passing of this Act, the said Council of the said City shall have full power and authority to make By-laws which shall be binding on all persons within the said City for the following purposes, that is to say: For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City. 25 30 35

establishing
rules for pre-
venting acci-
dents by fire.

Appointment
of officers.

For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid into effect, and for prescribing the duties of such officers and 40

providing for them adequate remuneration out of the funds of the said City :

- For defraying, out of the said funds, any expenses which they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires :
- 5
- 10 For authorising such officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours, to be established by such By-laws, as well the interior as the exterior of all houses, buildings and real property of any description, within the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid have been duly observed and obeyed ; and for obliging all proprietors, possessors or occupants of such houses, buildings or real property to admit such officers and persons into and upon the same at the times and for the purposes aforesaid.
- 20
- 25 For vesting in such members of the said Council and in such officers as shall be designated in such By-laws, the power of causing to be demolished or taken down all buildings or fences which such members or officers shall deem necessary to be demolished or taken down in order to arrest the progress of any fire.
- 30
- For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any member or officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him, by any By-law made under the authority of this section.
- 35
- 40 For defraying out of the funds of the City any expense to be incurred by the said

Purchase of fire-engines, &c.

Visiting houses, &c.

Taking down fences, &c.

Prevention of thefts at fires.

Defraying certain expenses connected with fires.

Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals or otherwise, upon any person who shall have performed any meritorious action at any fire. 5

Establishing inquiry into cause of fires, &c.

For establishing or authorising to be established after any and every fire in the said City, if deemed necessary, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorised to the effect aforesaid, is hereby authorised and empowered to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both, to examine them on oath: and to commit for trial any party or parties against whom well grounded cause of suspicion may be found of their having wilfully or maliciously originated the said fire or fires. 15 20

Imposing extra assessments.

For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment shall not in any one year exceed *three pence* in the pound on the assessed value of the property lying and being within the said City, and for regulating the time and manner such rate or assessment shall be collected; and by any By-law for any of the purposes for which the said Council are authorised by this section of this Act to make any By-law, the said Council may impose such fine, not exceeding *five pounds*, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same. 25 30 35 40

XLVIII. And be it enacted, That it shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds
 5 of the said Council, to impose by By-law, a penalty not exceeding *one hundred pounds*, currency of the said Province, on any assessor or assessors of, in or for the said City, or any ward thereof, refusing or wilfully ne-
 10 glecting to attend to perform or fulfil the duty or duties, which he or they, the said Assessor or Assessors are or may be bound and require by law to attend to perform and fulfil.

Penalty on Assessors neglecting duties.

15 XLIX. And be it enacted, That any person enrolled and serving in any fire, hose, hook or ladder, or property protecting company established or to be established by the said Council, or in any such company under
 20 the control and management of the said Council of the said City, shall during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from
 25 serving as a juror, constable or militiaman excepting during any war or invasion of the Province.

Firemen, &c., exempt from serving as Jurors, &c.

L. And whereas the different systems of chimney sweeping that have heretofore been
 30 in use in the said City, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant
 35 to persons intending to pursue the occupation of chimney sweeping in the said City, or in any part thereof, licenses to sweep chimneys for gain or hire in the said City, or in such part thereof as the licence or licences
 40 so to be granted may extend to, upon the payment of such duty or tax in that behalf and upon such other terms and conditions as the said Council may deem it expedient to impose, and from and after the passing of

Recital.

Council may grant licenses for chimney sweeping.

this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said City, or for gain or hire cause any chimney in the said City to be swept, without having received a licence from the said Council to sweep chimneys in the said City, or in some part of the said City to be designated in the said licence; nor from and after the passing of this Act, shall any person having received any such licence for gain or hire sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of any chimney to be swept after the time for which such licence shall be granted, or at any place within the said City to which such licence shall not extend, or beyond the limits mentioned in such licence; nor shall any person having obtained such licence, charge or receive, either directly or indirectly, any greater sum or allowance of any kind for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such licence, than he may be allowed to charge under the tariff to be established in that behalf, as hereinafter provided for, under a penalty of *twenty-five shillings* currency, for each and every offence against any one or more of the foregoing provisions in this section of this Act contained.

By-laws for
sweeping
chimneys.

LI. And be it enacted, That it shall be lawful for the Council, at a meeting or meetings of the said Council composed of not less than two thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimneys within the said City to be swept by a licensed sweep, in such manner, at such times and so often as the said Council shall appoint, and to establish a tariff of the rates or prices to be paid to such licensed sweeps for the sweeping of chimneys; and in every case in which a chimney shall take fire in the said City, the occupant of the house in which such chim-

ney shall take fire shall pay a penalty of not less than *twenty-five shillings* currency, and not more than *fifty shillings* currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have caused and proved that he caused the chimney that may have so taken fire to be swept by a licensed sweep, and unless it appear that according to the By-laws of the said City of Quebec, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such licensed sweep and the time at which such chimney may have taken fire; Provided always, that any occupant of any part of a house in the said City, who may use or cause to be used the whole or any part of a chimney in or attached to or forming a part of any such house in the said City, shall be considered for all and every the purposes of this section of this Act as the occupant of such house; And Provided further, that if any chimney that may so take fire be in the use or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities in all respects as if such chimney had been in his sole use; And provided also, that any chimney which may be used in any way for the purpose of heating any building or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, shall be considered as a chimney in such building for all and every the intents and purposes of this act.

40 . LII. Provided always, and be it enacted, Copy of By-laws to be transmitted to Governor of the Province, who may disallow if he think fit. That a copy of every By-law to be made by virtue of this Act shall be transmitted with all convenient speed after the making thereof to the Governor of this Province for the time being; and it shall be lawful for the

Proviso.

said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law; and such disallowance shall without delay be signified to the Mayor of the said City and thenceforward such By-law shall be void and of no effect; Provided also, that all By-laws repugnant to any law of the land or to any Act of the Legislature of this Province, shall be null and void.

Rules, &c., now in force, to continue in force.

LIII. Provided always, and be it enacted, That all and every the rules, orders and regulations and acts of authority made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Quebec, or by the Justices of the Peace for the District of Quebec or other competent authority before the passing of the last-mentioned Ordinance to incorporate the City and Town of Quebec, which may be in force at the time of the passing of this Act, shall continue, be and remain in full force and virtue until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

Corporation may acquire land necessary for opening new streets, &c.

LIV. And be it enacted, That the said Council shall have full power and authority, notwithstanding any law to the contrary, to purchase and acquire, or take and enter into, after paying, tendering or depositing the value thereof, to be ascertained as herein after provided, such land, ground or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market places or other public highways or places, or for continuing, enlarging, or otherwise improving the streets, squares, market places or other public highways or places now made, and the neighbourhood thereof, or as a site for any public building to be erected by the said Council, and to pay to or for the use

of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in or which shall hereafter come into their hands, such sum or sums of
 5 money as may be agreed upon as the value of such ground or other property, by the party proprietor thereof and the said Council respectively, or ascertained in the manner hereafter mentioned, in case they shall not
 10 so agree upon the same.

LV. And be it enacted, That it shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians; curators, *grevés de substitution*, and all trustees whatsoever,
 15 who are or shall be seized or possessed of or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes
 20 aforesaid, not only for themselves, their heirs and successors, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are or shall be seized, possessed or interested as aforesaid,
 25 whether minors or issue unborn, lunatic, idiots, *femes covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground, to the Corporation of the Mayor, Councillors
 30 and Citizens of the City of Quebec, and such contracts, sales and conveyances shall be valid and effectual in law to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatsoever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale which he, she or they shall respectively
 35 make by virtue of or in pursuance of this
 40 Act.

Corporations
 tutors, guar-
 dians, &c.,
 may convey
 land to coun-
 cil.

LVI. And be it enacted, That in all cases where the said Council, and the persons seized or possessed of or interested in the said pieces or parcels of ground, or other
 Mode of proceeding in case of disagreement as to price of land.

real property, or any of them, or any part thereof; shall be absent or shall not be known, or shall not by voluntary agreement settle and determine the price and compensation to be paid for the said preuises or any part thereof, such price and compensation shall be ascertained, fixed and determined in manner following, that is to say: the Sheriff of the District of Quebec upon a petition to him addressed, and upon proof that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, her, or their tutor, curator, administrator, attorney, agent or curator *ad hoc*, of the intention of the said Council to present such petition to the said Sheriff for the purpose of taking possession of, entering into and appropriating to the use of the said Corporation such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be special Jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable to be paid by the said Corporation for such pieces or parcels of ground or real property as aforesaid: Provided always, that any determination as aforesaid, in which any nine of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had agreed therein; and in case the owner of such property is unknown or is absent from that part of the Province heretofore known as Lower Canada, one month's notice shall be by the said Council given in one of the newspapers of the City of the intention of the said Council to present a petition to the said Sheriff praying him to summon a Jury for the above purpose.

Proviso.

After rendering of Verdict, property

LVII. And be it enacted, That immediately after the rendering of the said verdict, the said Sheriff shall deliver possession of

the said property to the said Council, who shall thereupon adopt the requisite proceedings to obtain from Her Majesty's Court of Queen's Bench for the District of Quebec, a judgment confirming the title of the said Council.

to be delivered
to Council.

LVIII. And be it enacted, That the owner of the said property shall not be entitled to claim from the said Council, payment of the sum of money awarded by the said Jury, but that the same shall remain in the hands of the said Council, to be paid and distributed as ordered by the said Court of Queen's Bench, and upon such payment the said Council shall become the owner and proprietor of the said property.

Owner of pro
perty not to
be entitled to
claim payment
of sum award-
ed by Jury.

LIX. And be it enacted, That all the provisions and enactments in this Act contained with regard to the mode in which the value of any real property taken by the said Council shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be, and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the said Council to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side walk, level of any street, or by reason of the removal of any establishment, subject to be removed under any By-law that may be passed in virtue of this Act, or to any party by reason of any other Act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said Council shall not agree.

Provisions
with regard to
mode of ascer-
taining value
of real pro-
perty exten-
ded to cases
when it shall
be requisite
to ascertain
damages for
altering foot-
paths, &c.

LX. And be it enacted, That all Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation

Corporations
whose proper-
ty shall be
conveyed to
Council, may
invest the

price thereof
in other real
property.

of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of mortmain; any law to the contrary notwithstanding. 5

Appointment
of Police
force.

2 Vict. c. 2,
and

4 & 5 Vict.
c. 27.

LXI. And be it enacted, That for the purpose of defraying the expense of the Police force hereinafter authorized to be established, all fines and penalties imposed or hereafter imposed by and in virtue of the Ordinance passed in the second year of Her Majesty's Reign, intituled "*An Ordinance for establishing an effective system of Police, in the Cities of Quebec and Montreal,*" shall be paid to the City Treasurer or other officer of the Corporation appointed to receive the same, and also all fines on persons convicted or hereafter convicted of common assault and batteries under and by virtue of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled "*An Act for consolidating and amending the Statutes in this Province relative to offences against the person,*" and also all fines recovered before any Justice of the Peace in the said City for offences committed therein and recovered before one or more Justices of the Peace other than in the Court of Quarter Sessions, the said several sums to form part of the funds of the Corporation of the said City of Quebec, any thing in the said Acts to the contrary notwithstanding; And be it enacted, that it shall be lawful for the said Council, as soon after the passing of this Act as may be, and from time to time thereafter as occasion may require, to appoint, either from the Police force now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before the Mayor of the said City of Quebec, to act as Constables for preserving 45

the peace by day and by night, and preventing robberies and other felonies, and apprehending of offenders against the peace, and to look to the execution of all By-laws, regulations and orders of the said Council, and the men so sworn, shall not only within the City of Quebec, but also within the whole of the District of Quebec, have all such powers and privileges (and be liable to all such duties and responsibilities) as any Constable or Peace Officer now has or hereafter may have, within the place to which his appointment extends, by virtue of the laws now in force or hereafter to be in force in Lower Canada, and it shall also be lawful for the said Council to appoint such officers to superintend and assist in the management of the said Constabulary force, as to the said Council may seem needful, and to give to such officers, so appointed, such names, and to assign to them such duties as to the said Council may seem proper; and the said officers and men so to be appointed, shall obey all such commands as they may receive from the said Council, and any officer or officers so to be appointed, shall, during his appointment, have not only all the powers and privileges of a Constable appointed under this Act; but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council, and the said Council, or any member or members of the said Council authorized to that effect by the said Council, may, at any time, suspend or dismiss any Officer or Constable appointed under this Act whom they shall think negligent in the discharge of his duty or otherwise unfit for the same, and appoint others in their place, and the Officers of the said Constabulary force shall have such power in relation to the government, control, dismissing or suspending of the Constables so to be appointed, as the said Council may think proper, by a By-law in that behalf, to give to the said Officers respectively.

Duty of Constables.

LXII. And be it enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of intention to commit an offence against the law, and to deliver any person so apprehended into the custody of the officer or constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail to such constable or officer for his appearance before a Justice of the Peace, if such officer or constable shall think fit to take bail in the manner hereinafter mentioned. 5 10 15

Provisions in case any person shall be brought into custody of a police officer, without a warrant.

LXIII. And be it enacted, That when any person charged with any petty misdemeanor shall be brought without the warrant of a Justice of the Peace, into the custody of any officer or constable, appointed under this Act, during his attendance in the night-time at any Watch-house within the said City as aforesaid, it shall be lawful for such officer or constable, if he shall think fit, to take bail by recognizance without any fee or reward from such person, conditioned that such person shall appear for examination within two days before a Justice of the Peace within the said City of Quebec, at some time and place to be specified in the recognizance, and every recognizance so taken shall be of equal obligation on the party entering into the same, and liable to the same proceedings for the estreating thereof as if the same had been taken before a Justice of the Peace, and such officer or constable shall enter into a book, to be kept for that purpose in every Watch-house, the names, residence and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the conditions thereof, with the sums respectively acknowledged, and 20 25 30 35 40 45

shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time
 5 and place required, or within one hour after, the Justice shall cause a record of recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the
 10 Peace for the District of Quebec aforesaid, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained, and the Clerk of the Peace shall make the
 15 like extracts and schedules of every such recognizance as of recognizances forfeited in the Sessions of the Peace; and if the party not appearing shall apply by any person on his behalf, to postpone the hearing of
 20 the charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and when the matter shall be heard and deter-
 25 mined either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the recognizance for the appearance of the party before a Justice shall be
 30 discharged without fee or reward.

LXIV. And be it enacted, That if any officer or constable to be appointed as aforesaid, shall be guilty of any neglect of duty or disobedience of any order, every such of-
 35 fender being convicted thereof before the Mayor's Court to be established under this Act, shall, for every such offence, be liable to be imprisoned for any time not exceeding thirty days, or to be fined in any sum not
 40 exceeding *fifty shillings*, or to be dismissed from his office, or to any two or to all of the said punishments, as the said Mayor's Court shall in their discretion think meet.

Punishment
of Police Offi-
cers neglecting
duty, &c.

Penalty on persons resisting Police Officers in the execution of their duty.

Proviso.

Three members of Council may hear, try, and determine causes and suits brought by Corporation for recovery of sums due for assessments, taxes, &c.

LXV. And be it enacted, That if any person shall assault or resist any officer or constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender being convicted thereof before any two Justices of the Peace, or before the said Mayor's Court, shall, for every such offence, forfeit and pay such sum not exceeding *five pounds*, as the said Mayor's Court or the said Justices shall think meet; Provided always, that nothing herein contained shall prevent any prosecution, by way of indictment, against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

LXVI. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned : Be it therefore enacted, That it shall be lawful for any three of the Members of the said Council to hear, try and determine all causes and suits that may be brought by the said Corporation of the said City for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said City, as to the amount of any rate, assessment, tax, duty or impost, lawfully imposed by any By-law, rule, regulation or order now in force; or that hereafter may be in force in the said City, whether made by the said Justices of the Peace for the District of Quebec before the passing of the said Ordinance to incorporate the City and Town of Quebec, or heretofore made or hereafter to be made by the said Council, or other competent authority ; and also to hear and determine all offences against any such By-law, rule, regulation or order, or against any law concerning any market or markets in the said City, or against any law concerning any assessment, tax or duty to be levied in

the said City ; and also to hear, try and deter-
 mine all suits and prosecutions that may be
 brought for the recovery of any fine or penalty
 that may hereafter be incurred and be
 5 due and payable under any such By-law,
 rule, regulation or order now in force or
 that hereafter may be in force in the said
 City as aforesaid, or under this Act, or under
 any Act or Acts concerning any market or
 10 markets in the said City, or under any Act
 or Acts concerning assessments to be raised
 in the said City, and for the purposes afore-
 said, any three of the Members of the said
 Council shall, at such place in the said City
 15 of Quebec as they may deem proper, hold a
 Court from time to time as occasion may re-
 quire, to be called the Mayor's Court, in
 which the Mayor when present shall pre-
 side, and the City Clerk of the City of Que-
 20 bec shall be the Clerk of the said Mayor's
 Court, and the precepts, writs, and proces-
 ses to be issued out of the said Mayor's
 Court shall not require to be under any seal,
 but shall run and be in the name and style of
 25 Her Majesty, Her Heirs or Successors, and
 shall be signed by the Mayor of the said
 City of Quebec, and be countersigned by
 the said Clerk ; and any three of the Mem-
 bers of the said Council are hereby autho-
 30 rized and empowered to summon by a writ
 to be signed and countersigned as aforesaid,
 the party accused of any offence as aforesaid,
 or from whom any sum of money shall be
 claimed for any one or more of the causes in
 35 this section before set forth, and the witness-
 es to be heard as well in his favor as against
 such party, and upon the appearance or de-
 fault of the party accused or complained
 against in not appearing, upon proof of ser-
 40 vice of such summons by the return in writ-
 ing of the person who made the service, to
 proceed with the examination of the witness
 or witnesses, on oath, and to give judgment
 accordingly by awarding costs for the suc-
 45 cessful party ; and when the party accused
 or complained against shall be convicted of

such offence, or if judgment be given in favor of the plaintiff, for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a warrant or warrants to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty, or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made, which warrant shall authorize any Constable or Bailiff to execute such warrant in any part of the District of Quebec by *saisie* and sale of any goods and chattels which shall and may be found in the said District appertaining to the person or persons against whom such warrant shall thus be issued, and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such warrant, upon a return to that effect, the said Court, by a further warrant to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given for costs in either case, shall have been paid and satisfied ; Provided always, that no person so committed, shall be detained in Gaol more than one calendar month, and where imprisonment for any time is the punishment to be suffered by any person or persons, under any conviction or convictions to be pronounced by the said Mayor's Court, the said last mentioned Court, by a warrant to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned to be forthwith

Proviso:
No person to
be detained
in jail more
than one
month.

apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person
 5 may be found, there to remain for the time he may be so condemned to be imprisoned; Provided also, that the Bailiff seizing the said goods and chattels, shall give notice in
 10 of the day on which the sale is to take place, and that such notice be given at least eight days before the sale.

LXVII. And be it enacted, That it shall be lawful for the said Mayor's Court to cause
 15 order to be preserved in the said Mayor's Court, and to punish, by fine or imprisonment, any person guilty of any contempt of the said Court or of any member thereof, if
 20 such contempt be committed during the sitting and in the presence of the said Mayor's Court; to force the attendance of any witnesses in any action, cause or prosecution that may be pending before the said Mayor's
 25 Court, and to compel such witnesses to answer all lawful questions, to authorize and require the examination of any party on interrogatories on *faits et articles* or on the *juramentum litis decisorium*, or on the *juramentum judiciale*, in the same and like
 30 cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of civil jurisdiction in Lower Canada; and to cause the execution of, and obedience to any order, precept,
 35 writ, process or warrant, that may issue from the said Mayor's Court, for any one or more of the purposes as aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of civil
 40 jurisdiction in Lower Canada; and it shall also be lawful for the said Council to appoint so many bailiffs of the said Court as the said Council may think fit; and to make and settle a Tariff
 45 of the Fees which should be exacted by the Clerk of the said Mayor's Court and by the

Contempt of Court to be punished by fine or imprisonment.

Council may appoint Bailiffs of Mayor's Court.

PROVISO.

bailiffs and other such officers to be employed in and about the said Mayor's Court; Provided always, that no fee shall be exacted under such tariff, until such tariff be approved of by the Governor of this Province, and it shall be the duty of the Clerk of the said Mayor's Court, to prepare and make out all the precepts, writs and processes severally, that may issue from the said Court, and in a register to be kept for that purpose, to enter in a succinct manner all the proceedings had in the said Court, and to record at full length all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall either as a party or as a witness, wilfully and corruptly give false evidence in any cause, suit, action, prosecution or other proceeding in the said Mayor's Court, shall be deemed guilty of wilful and corrupt perjury and shall be liable to the penalties of wilful and corrupt perjury; and any member of the said Council, excepting the members of the said Council then holding the said Court, and any member, officer or servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Mayor's Court, if he have no direct interest in the issue of such suit or prosecution or be not otherwise rendered incompetent, any law, usage or custom to the contrary notwithstanding; and any toll, assessment, law, duty or impost, fine or penalty, that may be sued for in the said Mayor's Court shall be recoverable there upon the oath of one credible witness; and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness; and no person shall be deemed an incompetent witness upon any proceedings in the said Court under this Act by reason of his being a resident of the said City of Quebec.

LXVIII. And be it enacted, That all fines and penalties imposed by any By-law, rule, order or regulation which may be in force, at the time of the passing of this Act, whether made by the Justices of the Peace for the said District before the passing of the said Ordinance to incorporate the City and Town of Quebec, or by the said Council since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by the said last mentioned Ordinance to amend the Ordinance to incorporate the City and Town of Quebec, or by this Act, or by any Act or Acts concerning any market or markets in the said City, or by any Act concerning any assessment law or duty to be raised in the said City, or by any law now or hereafter to be in force, shall be recovered in the name of the "Mayor, Councillors, and Citizens of the City of Quebec," and for the use of that Corporation, and shall belong to and form part of the general funds of the said City, and in no other name and for no other use ; and it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution ; and all fines or penalties that may be so paid without prosecution, shall form part of the general funds of the said City.

All fines and penalties to be recovered in the name of the Mayor, Councillors and citizens.

LXIX. And be it enacted, That any rate or assessment with which any real estate within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise, and when any such rate or assessment shall be paid by any tenant not bound to make such payment by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him in

Rates or assessments to be recovered from owner or occupier of property.

respect of the enjoyment or occupation of the real estate so rated and assessed.

All debts due to corporation to be privileged debts.

LXX. And be it enacted, That all debts which from and after the passing of this Act, shall become due to the said Corporation for any rate or assessment assessed or imposed on any real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered and adjudged by all Courts of Justice, and by all Commissioners or other person having jurisdiction in Bankruptcy in Lower Canada ; Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and the year next preceding that year.

Proviso.

Laws repealed by ordinances, to incorporate Quebec to remain repealed.

LXXI. And be it enacted, That every law, and every part of any law repealed by the said Ordinance to incorporate the City and Town of Quebec, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed, and all the provisions of any law inconsistent with the provisions of this Act are hereby repealed.

Not to revoke, &c., any powers of Master of Quebec Trinity House.

LXXII. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to revoke, alter, or abridge, or in any manner affect the powers and authority now by law vested, or which may be hereafter vested in the Master, Deputy Master and Wardens of the Trinity House of Quebec, but that the said Council shall exercise exclusive jurisdiction over all the tract described in the second section of this Act.

LXXIII. And be it enacted; That nothing in this Act shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Rights of Her Majesty saved.

LXXIV. And be it enacted, That the Council of the said City may cause a general plan of the said City to be made, by which said plan all persons whomsoever shall abide; Provided always, that the said plan shall be deposited during the space of six calendar months in the office of the Prothonotary of Her Majesty's Court of Queen's Bench for the District of Quebec, in the Court-house of the said City, for the inspection of the public, and that due notice thereof shall be given during the said term of six months, once a week in two newspapers published in the said City, and that such notice shall mention the day on which application will be made to the said Court of Queen's Bench for the homologation of the said plan, and any person who shall deem himself aggrieved thereby shall, before the said day, file his opposition to such homologation, and the Court shall hear, try and determine in a summary manner each and every opposition so filed, and shall grant costs to or against any such opposant or the Council of the said City, as to law and justice may appertain, and the said plan shall, if approved and confirmed, be attested by one of the Justices of the said Court of Queen's Bench.

Corporation to cause a plan of the City to be made.

Proviso.

LXXV. And be it enacted, That the Council of the said City of Quebec is hereby authorized and empowered to pass a By-law or By-laws, to punish either by fine or imprisonment, or by both, any person or persons who shall ill-use or cruelly treat or over drive any animal within the limits of the said City; Provided always, that such fine shall

May pass By-laws to punish persons ill-treating animals.

not exceed *five pounds* currency, nor such imprisonment thirty days in the Common Gaol of the^aDistrict.

Corporation may acquire a certain extent over and above what is necessary when they purchase land for opening streets, &c.

LXXVI. And be it enacted, That in all cases where, for the purpose of opening any new street, square, market place, or other public highway or place, or for continuing, enlarging or otherwise improving those streets, squares, market places, or other public highways or places now made, or as a site for any public buildings to be erected by the said Council, the said Council shall deem it advantageous to purchase and acquire, or take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes, provided nevertheless, such extent do not exceed one hundred feet in depth, by whatever length may exist.

Tavern Licences, &c., to be granted by the Council only.

LXXVII. And be it enacted, That from and after the passing of this Act, all licenses to keep taverns, hotels or houses of public entertainment within the said City, shall be granted by the Council only; and that the person obtaining such license shall pay to the Council a fee to be established by a By-law for the same.

When erecting buildings, a sufficient passage to be allowed, for passage of horses and carriages.

LXXVIII. And be it enacted, That all persons occupying a part of any public street or lane while erecting any building, shall leave unoccupied and free from all embarrassment, a sufficient portion of the said street to allow persons freely to pass with their horses and carriages, under such a penalty as may be imposed by the said Council.

False swearing to be perjury.

LXXIX. And be it enacted, That if any person shall knowingly swear falsely in taking an oath in virtue of this Act, such person shall be deemed guilty of wilful and corrupt

perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

LXXX. And be it enacted, That the words ^{Interpretation} "Governor of this Province" ^{clause.} wherever they occur in this Act, shall be understood as meaning the Governor or any Person authorized to execute the commission of Governor within this Province for the time being; and the word "Councillor," and the word "Councillors," wherever they occur in this Act, shall be understood as meaning any member or members of the said Council of the City of Quebec, unless by the context it shall appear clearly that the words "Councillor" or "Councillors" respectively are intended to apply exclusively to a member or members of the said Council, who is not or are not the Mayor of the said City; and the words "the said Corporation" or "the said Corporation of the City of Quebec," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Councillors and Citizens of the City of Quebec" unless the context necessarily requires a different meaning to be given to those words; and that the words "Lower Canada" wherever they occur in this Act are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number or the masculine gender only, shall be understood to include several matters of the same kind as well as one matter, and several persons, males and females as well as one person, and bodies corporate as well as individuals, unless it be otherwise especially provided, or there be something in the subject or context repugnant to such construction.

Public Act.

LXXXI. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices of the Peace and others whom it may concern, without being especially plead- 5 ed or proved.