
1st Session, 4th Parliament, 16 Victoria, 1852.

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, Tuesday 5th
October, 1852.

Second Reading, Tuesday, 26th Oct., 1852.

MR. STUART.

QUEBEC:

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(152)

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 necessary to amend and Preamble.
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, inti-
5 tuled, "*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
10 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*
15 "*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.,

And it is hereby enacted by the authority of the same, That the inhabi-
tants of the said City and Town of Quebec, and their successors, in-
habitants of the same, incorporated under the said Ordinance herein first
20 mentioned, 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, Coun-*
"*cillors and Citizens of the City of Quebec,*" and as such shall have
perpetual succession and a common seal, with power to break, renew,
25 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 whatsoever; and of accepting, taking, purchasing and hold-
ing goods and chattels, lands and tenements, real and personal, moveable
30 and immoveable 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, judg-
ments, or other instruments of securities, for the payment or securing of
the payment of any money borrowed or lent, or the performance or secur-
35 ing the performance of any other duty, matter or thing whatsoever.

Inhabitants of
Quebec to re-
main incor-
porated.

Corporate
name and
powers.

Boundaries of
the city of
Quebec.

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, on 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 of the 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: 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 and considered to be within the limits of the said City.

City divided
into Wards.

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, to be called respectively, St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, and St. John's Ward.

Boundaries of
Wards.

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

St. Lewis
Ward.

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 middle of Mountain Street, Buade Street, Fabrique Street, and St. John's Street.

Palace Ward.

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

St. Peter's
Ward.

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 River St. Lawrence at the one end, and to the cliff below the Castle of St. Lewis at 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.

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.

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

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

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. Mayor and Councillors to be elected.

VI. And be it enacted, That no person shall be capable of being elected a Councillor 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, 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. Qualifications for Councillors and assessors.

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. Mayor or Councillor to be a subject of Her Majesty, &c.

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. Parties incapable of being elected Councillors.

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: Councillors to be chosen by votes of qualified electors.

1st. All proprietors and co-proprietors of a lot of ground, with or without any building 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. Parties entitled to vote.

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.

3rd. All persons holding immoveable 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.

Qualified voters to vote only in one Ward.

X. And be it enacted, That all persons resident in the City and qualified to vote in the wards 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.

Provision to be made for the making of lists of qualified voters.

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 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 elections is hereby authorized and required to administer.

Party desirous of voting to produce certificate of qualification.

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 elections is hereby authorized and required to administer, that is to say;

Form of Oath.

“ 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.”

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 Saint Roch's Ward by four Councillors each, and each of the other wards of the said City by three Councillors.

Representa-
tion of Wards
in Council.

5 XIV. And be it enacted, That on the first Monday in February, which will be in the year one thousand eight hundred and fifty , 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
10 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 aforesaid shall openly assemble in the several wards aforesaid, and elect from the persons qualified to be Councillors for each
15 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
20 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.

How and
when Council-
lors to be
elected.

Proviso.

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
25 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.

No Councillor
to be elected
for more than
one Ward-

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 Councillors 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 office of Mayor, by the Council of the
30 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 to perform the duties resulting from such appointment, or any one or more of those duties, shall pay to the Treasurer of the said City a fine of fifty pounds currency; and every Councillor so appointed under the provisions of this Section shall accept such
35 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 City; if such appointment be not accepted, or if the duties thereof be not fulfilled within the proper time, a new
40 appointment may be made by the Mayor, or in case of a vacancy in the office of Mayor, by the Council of the 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 always, that the neglect of any

How elections
of Councillors
shall be con-
ducted.

In case of
refusal to ac-
cept office,
certain fines
payable.

Proviso.

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 him under such appointment, although such neglect shall subject the party so in default to the penalty aforesaid. 5

Councillors holding Elections to appoint Poll Clerks.

XVII. And be it enacted, That any Councillor so appointed to hold any such election, shall have power to nominate and appoint in writing under his hand, a fit person or persons to act and assist him as clerk or clerks of the poll, and the person so appointed, before acting, shall take 10 the following oath, which such Councillor is hereby empowered and required to administer, that is to say :

Form of Oath.

“ 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 Assessors for the Ward of _____ do solemnly swear, (or, being a Quaker, 15 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 of my said appointment, without partiality, fear, favor, or affection : So help me God.”

Proceedings during and after elections.

XVIII. And be it enacted, That at elections of Councillors and Assessors aforesaid, the poll shall be opened at nine o'clock in 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 such election by the officer or person holding the same ; and after finally closing the 25 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 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 Assessors, as 30 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 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 35 such equality of votes, in order to give a majority for one of 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, 40 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. 45

Proviso.

All party badges or marks forbidden.

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 candi-

date 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 of twenty-five pounds current money of this Province for every such offence.

Penalty in case of contumacious.

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 badge 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 any 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 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 anything done contrary to the true intent and meaning of this Act.

Councillor to maintain order.

Parties breaking the peace: to be committed to jail.

Proviso.
Proviso.

XXI. And be it enacted, That if at any election of a Councillor or Councillors, or Assessors, to be held as aforesaid, the poll shall be interrupted by the death or severe illness of the Councillor or other person or persons 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, forthwith 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 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 Clerk or Clerks

In case of inability of Councillor Poll, Clerk to assume his functions.

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 super-
eded by the recovery of the Councillor appointed to hold such election
from such illness as aforesaid.

Regulations
for the dura-
tion of respec-
tive offices.

XXII. And be it enacted, That the Mayor and Councillors of the City 5
of Quebec, who shall be in office when this Act shall come into force,
shall continue in office until required to go out of office, under the provi-
sions 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 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 10
the first Monday in February, in the year eighteen hundred and fifty
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 time without re-elec-
tion : Provided always, that at the next ensuing election of Councillors 15
for the said City for St. John Ward, the Councillor who had the least
number of votes at the election in the year eighteen hundred and

Proviso

shall go out of office at the next election, to be held on the first Mon-
day in February, in eighteen hundred and and the Councillor
having the next lowest number of votes at the election in eighteen hun- 20
dred and , shall go out of office at the election to be held on the
first Monday in February, eighteen hundred and ; 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, that if on the first 25
Monday in February, eighteen hundred and fifty or in any subse-
quent year, there shall be a vacancy or vacancies in the office of any
member or members of the Council for any ward, who 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 30
such vacancy, as well as in the place of the member who 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 first Mon- 35
day 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.

Four Quarter-
ly Meetings of
the Council to
be held

XXIII. And be it enacted, That there shall be in each year four Quar-
terly Meetings of the said Council, which shall be held on the following 40
days, that is to say : on the second Monday in the months of March, June,
September and December, in each and every 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 take place on the day
following. 45

Proviso.

At first Quar-
terly Meeting
Councillors to
elect a Mayor.

XXIV. And be it enacted, That at the first Quarterly or Special Meet-
ing of the said Council after the election of members thereof, in the year
of our Lord one thousand eight hundred and fifty , and in each suc-
ceeding year, the said Councillors shall elect out of the members thereof,

a fit and proper person to be Mayor of the said City, who shall continue 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.

10 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, 15 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 20 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.

When the Mayor is incapable of discharging of duty Council to appoint a substitute for the time being.

XXVI. And be it enacted, That at the Quarterly Meeting to be held 25 by the said Council in the month of March, in the year one thousand eight hundred and fifty , 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 Meeting subsequent thereto, the members of the said Council shall elect by a majority of votes from the persons qualified to be 30 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: 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 35 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 40 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.

Auditors of the City of Quebec appointed.

Proviso.

Proviso.

XXVII. And be it enacted, That no person elected to be Mayor, Councillor, Assessor or Auditor, as aforesaid, shall be capable of acting 45 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:—

Mayor Councillor &c., to take the oath following.

Form of oath.

"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 Quebec. after the payment or deduction of my just debts of the value of

"and 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."

Fines in case of non-acceptance of office.

XXVIII. And be it enacted, That every 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 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 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 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 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 manner hereinbefore prescribed as by law or any

Proviso, Certain parties exempted, &c.

By-law of the said Council may be required: Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid: and 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 Postmaster General or his Deputies, nor any Custom House Officer, Sheriff or Coroner, nor the Clerks or Commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

Proviso for the further exemptions.

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 Postmaster General or his Deputies, nor any Custom House Officer, Sheriff or Coroner, nor the Clerks or Commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

Mayor or Councillor disqualified in certain cases.

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

cillor, 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 5 shall be liable to the same fine as if he had refused to accept such 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 the Councillors of the said 10 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 grant and allow to the said Mayor for the time being in lieu of all fees and perquisites, such salary not exceeding *three* 15 *hundred* pounds, and not less than *one hundred and fifty* pounds, as the said Council shall think fit.

Mayor and Councillors *ex officio* Justices of the Peace.

Amount of Salary granted to Mayor, &c.

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 being a member of the Council, to be Clerk 20 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, 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 25 such number of Overseers of Highways; 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 necessary to enable them to carry into execution the powers vested in them by this Act, and 30 to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer; and appoint 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 the City Clerk, Treasurer, 35 and other officer, to be appointed as aforesaid, such salary and allowance, or other compensation for their services as they may think fit; and when ever and so long as any officer named by the said Council of the said City may be absent from the said City, or from sickness or any such cause be incapable of discharging the duties of the office of the said 40 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 45 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.

Council to appoint Corporation officers.

Assistants may be appointed in certain cases.

XXXII. And be it enacted, That if, after the passing of this Act, any 50 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

Extraordinary vacancies in the office

of Councillor
or Assessor to
be filled by
Election.

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 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.

Certain acts
to remain
repealed.

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 III., 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 IV., 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 III., intituled, "*An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, and 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, 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 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
 5 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
 10 virtue of the present Act.

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
 15 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 upon 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
 20 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 after six months notice to that effect given by him the said Sheriff in the usual manner and form, in payment
 25 and satisfaction of any judgement that may be obtained for the said arrears of assessment, and the increased per 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 in and by this Act, and the
 30 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 upon, distributed, and ordered to be paid according to law and the rights and privileges of the parties claiming the same.

In case of non payment or assessment ten per cent on amount thereof to be added annually.

XXXV. And be it enacted, That the Treasurer of the said City shall, in books to 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 the said accounts shall at all reasonable times be
 40 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 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
 45 said City shall name, on 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 preceding to the first day of May, and from the first day of May to the first day of November in the year in which
 50 the said Auditor shall have been elected and named, and if the said ac-

Treasurer to keep account of monies by him received.

Accounts to be audited semiannually.

Abstract thereof to be printed.

counts 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. 5

Formalities as to payment of monies.

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. 10 15

Officers of Corporation to deliver account to Council of matters committed to their charge.

In case of neglect so to do.

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 received by them respectively and 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 vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officers shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all books, documents, papers and writings in his custody or power as such officer as aforesaid, then and in every such case, on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District 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 Justices of the Peace for such District or County, and upon the said officer appearing or not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by warrant under their hands and 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 it appear to such Justices that such officer has refused or wilfully neglected to de- 20 25 30 35 40 45 50

liver such accounts or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such 5 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 a true account as aforesaid, and until he shall have delivered up such 10 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 15 or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer. Proviso.

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 20 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 25 assembled shall choose to be Chairman of any such meeting shall preside at the same, and in case of any 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 30 divided. At meetings of Council all matters to be determined by majority of those present.

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 Coun- 35 cillors not present at the adjournment. Periods for meeting of Council to be fixed by Ry-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 40 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 45 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 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 Minute Book of proceedings to be kept and extracts therefrom held authentic.

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.

Committees of Council to be appointed.

XLI. And be it enacted, That it shall be lawful for the said Council 5 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 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 10 the approval, authority, and control of the said Council.

Certain powers formerly vested in Court of Quarter Sessions to be vested to control of the Council.

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 of the passing of the said Ordinance to incorporate the City and Town of Quebec, had been and were, at the 15 time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace 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, making, erecting, keeping in repair, and 20 regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water courses, sewers, market houses and weigh houses, and other public 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 over- 25 seers of highways, streets, and bridges in the said 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 the annual value thereof, within the said City of Quebec, and which, under and by 30 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 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, 35 which 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, 40 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 licences to persons plying as ferrymen to the said City of Quebec, from any place within 45 twelve miles of the said City, any law, usage or custom to the contrary notwithstanding.

Council empowered to raise money

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 5'

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
 5 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
 10 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
 15 which are now or hereafter may be legally due and 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 by the said Council of the said City, and generally all debts now legally due or
 20 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 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 whatsoever.

by Loan.
 Previso, as
 to amount.

XLIV. And be it enacted, That it shall be lawful for the said
 25 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 shall be binding on all persons, for the following purposes, that is to say:—

Council empowered to
 make By-laws
 for certain
 purposes :

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

For the good
 rule &c. of
 the City.

30 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, either by imposing tolls and rates, to be paid in respect of any public works within the said City, or by means
 35 of a rate or assessment to be assessed and levied each and every year, on real or personal property, 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 provided,) *one shilling and six pence* in the pound on the assessed yearly value of the property liable to such assessment,
 40 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, within the 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
 45 working, or for hiring out, or dogs or pigs, or of billiard tables or gambling houses, or place for gambling in the City, where pigeon holes, nine or ten pins (*quilles*), roulettes, bagatelles, or any other game or games of chance are played within the said City, and on wholesale and retail dealers in goods, wares, or merchandize of any kind, and the premises

For the raising
 and applying
 moneys.

occupied by any and all such ; on banks, bankers, bank agencies, and banking institutions of every kind in the said City, and the premises occupied or used by such banks, bankers, bank agencies, or banking institutions ; on all forwarding merchants or forwarders, and the premises occupied by them ; on all brokers and money changers, and their pre- 5
 mises ; on the insurance companies and agencies therefor, and the premises occupied by them ; on all agents of merchants residing without the limits of this Province ; on gas companies, and the premises used and occupied by any or all such within the said City ; on keepers of eating 10
 houses, coffee houses or ordinaries ; on all auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers, or carters within the said City ; and also on bakers, butchers, carters and hucksters, domiciliated without the limits of the City of Quebec, following the several trades or occupations within the limits of the City ; on all trades and manufactories carried on, exercised or in operation within the said City ; 15
 on all breweries, distilleries, and foundries, and agents and agencies of breweries and distilleries ; on all soap and candle factories ; camphine or other oil factories ; ginger beer, spruce beer, and root beer brewers and breweries ; on brick manufactories, wood dealers and wood-yards ; on all ball alleys and other means of gambling ; and on all tanneries and 20
 slaughter houses within the said City ; and on all persons acting as ferrymen 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.

For regulating commutation, money for statute labor.

For increasing the amount of the commutation money payable by each 25
 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 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, and for exempting 30
 from payment of such commutation money, 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.

For regulating site of public buildings, &c.

For changing the site of any market or market-place within the said City, or to establish any new market or market-place now in existence, 30
 or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any 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 such party may by law, have 40
 against the Corporation of the said City for any damage by such party sustained by reason of such Act.

For regulating powers of Clerks of markets.

For determining and regulating the powers and duties of the Clerks of the markets of 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 45
 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 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 per-

- sons selling or retailing in or at any of the said markets, any provisions, 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 ;
- 5 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 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.
- 10 For regulating all vehicles of every kind 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 which such duty or duties shall be collected and paid. For regulating vehicles.
- 15 For establishing a Board or Boards of Health for and within the said City, and for appointing the members thereof, and for 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 establishing Boards of Health.
- 20 For regulating the weight and measurement 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
- 25 City, and for appointing 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. For regulating weights and measures.
- For assessing the proprietors of real property for such sum or sums as may at any time be necessary to defray the expences of making or repairing any common sewer in any public streets or highways within
- 30 the said City, and immediately in front of such 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 paid. For assessing real property.
- 35 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. To compel proprietors to keep premises clean.
- 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-
- 40 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 obstruction, filth, dirt or nuisance shall be found. For the abatement of nuisances.
- 45 For defraying out of the funds of the said City the expense of lighting the said City, on any part thereof, with gas or with oil, or in any other For lighting the City

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 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 City. 5

For improving side-walks.

For altering the level of the foot-paths or other side-walks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said City; Provided always, that the said Council shall make compensation out of the funds of the said City to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof. 10 15

Proviso.

For removing ruinous buildings, &c.

To pull down, demolish, and remove, when necessary, at the expense of the proprietors or occupants, all walls, fences, or other 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 which the same shall be pulled down, demolished or removed, and by what party or parties the expenses thereof shall be borne. 20

For fixing the weight and quality of bread.

For regulating, fixing and determining the weight and quality of all bread that may 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 poor, all provisions contained in the Ordinance passed in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, "*An Ordinance concerning Bakers of Bread, in the Towns of Quebec and Montreal,*" to the contrary notwithstanding, which is hereby repealed. 25 30

For the governing of apprentices and servants.

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. 35

For regulating gaming houses.

To prevent, regulate, and assess all gaming, or the keeping of any gaming house or place for gaming in the said City.

For regulating ferrymen.

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. 40

To compel attendance of Members 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. 54

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.

For regulating the constabulary force,

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 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 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: 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, on 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.

For watering and sweeping the streets.

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.

For imposing fines.

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:

Council empowered to make By-laws.

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.

To make a tariff of wharf rates.

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

To prevent the erection of wooden buildings.

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

To regulate erection of buildings.

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

To prevent accident by fire.

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

Wooden buildings contrary to By-laws to be demolished.

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. 5

Council to make By-laws to regulate conduct of persons at fires 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; 10 51

To appoint officers to carry out rules. 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 providing for them adequate remuneration out of the funds of the said City;

For the purchase of engines, &c. 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;

To authorize officers to enforce observance of By-laws. For authorizing 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; 25 30

To empower officers to demolish buildings in case of fire. 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; 35

To prevent thefts and depredations at fires. 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; 40

To assist persons in their employ who may be disabled. For defraying out of the funds of the City any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in 45

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 For establishing or authorising to be established after any and every fire in the said City, if deemed necessary, a judicial inquiry 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.

To authorise judicial enquiries into origin of fires.

- 15 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 the 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.

To impose an annual rate on real property

- 25 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 of the said Council, to impose by By-law, a penalty not exceeding one hundred pounds, currency of the said Province, or any Assessor or Assessors of, in or for the said City, or any ward thereof, refusing or wilfully neglecting to attend to perform or fulfil the duty or duties, which he or they, the said Assessor Assessors are or may be bound and required by law to attend to perform and fulfil.

Penalty on assessors for neglecting their duties.

- 35 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 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 labour, and from serving as a juror, constable, or militiaman excepting during any war or invasion of the Province.

Exemptions allowed to firemen, &c.

- 45 L. And whereas the different systems of chimney sweeping that have heretofore been 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 to persons intending to pursue the occupations of chimney sweeping in the said City, or in any part thereof, licenses

Council may grant licenses to chimney sweeper.

to sweep chimneys for gain or hire in the said City, or in such part thereof as the licence or licences 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 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 received, 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.

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 chimney 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 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

Council may
make By-laws
regulating
chimney
sweeps.

Proviso.

Proviso.

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. Proviso.

LII. Provided always, and be it enacted, 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 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. Copy of all By-laws to be transmitted to Governor.
Proviso.

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. Regulations in force at the time of the passing of this Act to remain in force.

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 hereinafter 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 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 hereinafter mentioned, in case they shall not so agree upon the same. Council empowered to purchase and require real property.

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, who are or shall be seized or possessed of or interested in any piece or pieces, parcel or parcels of Corporations and other parties empowered to sell real property

to Corpora-
tion.

ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes 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, 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 or the Mayor, Councillors 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 make by virtue of or in pursuance of this Act.

Jury to be ap-
pointed to as-
sess value of
real property
in certain
cases.

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 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 premises 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, administrator, Attorney, agent or curator *ad hoc*, of the intention of the said Council to present such petition to the said Sheriff for the purposes 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.

Verdict being
rendered Sher-
riff to deliver
property to
to Council.

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.

How sum
awarded to be
distributed.

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 50

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.

5 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
10 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, or on the level of any street, or by reason of the removal of any establishment, subject to be removed under any By-law
15 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 of this Act with regard to ascertaining value of real property extended to the ascertaining of damages in certain cases.

20 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 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 part of this
25 Province, and may take and hold the same without Her Majesty's Letters of mortmain, any law to the contrary notwithstanding.

Corporations &c., may invest the price of property paid by Council in other real property.

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
30 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 assaults and batteries under
35 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
40 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, anything in the said Acts to the contrary notwithstanding. And be it enacted, That it shall be lawful for the said Council, as soon as the passing of this Act as may be, and
45 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 the peace by day and by night, and preventing robberies and other felonies, and apprehending of offenders against the peace, and to
50 look to the execution of all By-laws, Regulations and Orders of the said

Fines in certain cases payable to Corporation.

Appointment of constables.

Their duties.

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 power 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.

Constable to apprehend persons committing breaches of the peace.

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.

Constable may take bail in certain purposes.

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 entreating 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 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
 5 time 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 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
 10 obligation therein contained, and the Clerk of the Peace shall make the 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 the charge against him, and the Justice shall think fit to
 15 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 determined, 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
 20 Justice shall be 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 offender being convicted thereof before the Mayor's Court to be established under this Act, shall, for every
 25 such offence, be liable to be imprisoned for any time not exceeding thirty days, or to be fined in any sum not 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. Penalty in case of neglect of duties by constables.

LXV. And be it enacted, That if any person shall assault or resist
 30 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
 35 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. Penalty for assaulting constable in the execution of his duty

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
 45 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 Provision for the recovery of debts fines and penalties

for the District of Quebec before the passing of the said Ordinance to
 incorporate the City and Town of Quebec, or heretofore made or here-
 after to be made by the said Council, or other competent authority ;
 and also to hear and determine all offences against any such By-law, 5
 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
 determine all suits and prosecutions that may be brought for the recovery
 of any fine or penalty that may hereafter be incurred and be due and
 payable under any such By-law, Rule, Regulation or Order now in force 10
 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 markets
 in the said City, or under any Act or Acts concerning assessments to be
 raised in the said City, and for the purposes aforesaid, any three of the
 members of the said Council shall, at such place in the said City of 15
 Quebec as they may deem proper, hold a Court from time to time as occa-
 sion may require, to be called the Mayor's Court, in which the Mayor,
 when present, shall preside, and the City Clerk of the City of Quebec shall
 be the Clerk of the said Mayor's Court, and the precepts, writs and
 processes to be issued out of the said Mayor's Court shall not require 20
 to be under any seal, but shall run and be in the name and style of
 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 Members of the said Council are hereby authorized and
 empowered to summon by a writ to be signed and countersigned as 25
 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
 this Section before set forth, and the witnesses to be heard as well in
 his favor as against such party, and upon the appearance or default of the
 party accused or complained against in not appearing, upon proof of 30
 service of such summons by the return in writing 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 successful party ; and when the party accused or complained
 against shall be convicted of such offence, or if judgment be given in 35
 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 40
 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 45
 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 afore- 50
 said, be to 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
 5 more than one calendar month, and whose 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,
 10 shall cause such person so ordered to be imprisoned to be forthwith 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 may be found, there to remain for the time he may be so condemned to be imprisoned; Provided also, that the Bailiff
 15 seizing the said goods and chattels, shall give notice in one of the newspapers published in the City, 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
 20 Mayor's Court to cause 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 such contempt be committed during the sitting and in the presence of the said Mayor's Court; to enforce the attendance of any witnesses in any action, cause or prosecution
 25 that may be pending before the said Mayor's 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 judiciaire*, in the same and like cases and circumstances in which such examination may be
 30 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, 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
 35 Courts of civil 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 of the fees which should be exacted by the Clerk of the said Mayor's Court, and by the Bailiffs and other such Officers to be employed in and about the said
 40 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
 45 to enter into 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
 50 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

Rules of practice for Mayor's Court.

Proviso.

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 5 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 10 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.

Fines, &c.,
imposed by
By-laws in
force at the
passing of this
Act may be
recovered

LXVIII. And be it enacted, That all fines and penalties imposed by 15 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 20 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, 25 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 30 fine or penalty from any party calling to pay the same without prosecution ; and all fines or penalties that may be so paid 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.

Assessment
may be reco-
vered from
from owner
or tenant of
real property.

LXIX. And be it enacted, That any rate or assessment with which 35 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 40 estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed.

Debts due
Corporation
to be privi-
leged debts.

LXX. And be it enacted, That all debts which from and after the 45 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 per- 50

sonal, 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 persons 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

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.

Laws inconsistent with this Act repealed.

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.

Proviso, this Act not to affect powers of Trinity House.

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.

Nothing in this Act to affect her Majesty's rights.

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 the Superior Court, 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 Superior Court 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.

General plan of the City to be made.
Proviso.
Plan to remain six months in the office of the Prothonotary.

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

Council may make By-laws for the prevention of cruelty to animals.

Corporation may take more ground than actually required in certain cases.

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, to 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.

Licenses for taverns to be granted by Council.

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.

Parties erecting buildings to leave a sufficient portion of street free.

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,

Parties swearing falsely in taking an oath in virtue of this Act guilty of 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.

Interpretation Clause.

LXXX. And be it enacted, That the words "Governor of this Province," 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 that 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 pro-

vided, or there be something in the subject or context repugnant to such construction.

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