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No. 8.

3d Session, 3d Parliament, 13 Victoria, 1850.

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, 21st
May, 1850.

Second Reading Wednesday, 29th May, 1850.

HON. MR. CHABOT.



BILL.

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

WHEREAS it has become expedient and necessary Preamble.
to amend and consolidate the provisions contained
in a certain Ordinance of the Legislature of the Province
of Lower Canada made and passed in the Session held
5 in the third and fourth years of Her Majesty's Reign,
intituled "*An Ordinance to incorporate the City and Town* 3 and 4 Vict.
c. 35.
"*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 Ordi-* 4 Vict. c. 31.
10 "*nance to amend the Ordinance to Incorporate the City*
"*and Town of Quebec,*"—and also in a certain Act of the
Legislature of this Province, made and passed in the
eighth year of Her Majesty's Reign, intituled "*An Act* And 8 Vict.
c. 60. cited.
15 "*bec,*"—and also in a certain Act of the Legislature of
this Province, made and passed in the eighth year of
Her Majesty's Reign, intituled "*An Act further to amend*
"*the Ordinances Incorporating the City of Quebec, and*
"*for other purposes,*"—and to vest more ample powers
20 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 Inhabitants of the said City and Town of Que- City and Town
of Quebec to
continue to be
incorporated.
25 porated under the said Ordinance herein first mentioned,
shall continue to be and shall be as provided in and by
the said Ordinance herein first mentioned, a Body Corpo-
rate in fact and in name, by and under the name, style
and title of "*The Mayor, Councillors and Citizens of the* Corporate
name and pow-
ers.
30 "*City of Quebec,*" and as such shall have perpetual suc-
cession and a common seal, with power to break, renew,
change and alter the same at pleasure; and shall be
capable of suing and being sued, and of impleading and
being impleaded in all Courts of Law and Equity and
35 other places, in all manner of actions, causes and matters
whatever, and of accepting, taking, purchasing and hold-
ing goods and chattels, lands and tenements, real and
personal, movable and immovable estate, and of granting,
selling, alienating, assigning, demising and conveying the

same, and of entering into and becoming a party to contracts, and for granting and accepting any bills, bonds, judgments or other instruments or securities, for the payment, or securing of the payment, of any money borrowed or lent, or the performance of any other duty, matter or thing whatsoever. 5

What shall constitute 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 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, following high water mark on the north side of the said River, from the prolongation of the west line of St. Ours street to the north eastern extremity of the wharf now owned by John Munn, Esquire, being the prolongation of the line from St. Roch street; and from the north-eastern extremity of the said last mentioned wharf a line drawn north sixty three degrees cast until it reaches 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 and St. Charles opposite to and adjoining the said City and Town, though beyond low water mark of the said River, shall be held and considered to be within the limits of the said City. 10 15 20 25 30

City of Quebec 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 eight Wards to be called respectively, St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward, and Montcalm Ward. 35 40

Boundaries of the 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. 45

Palace Ward.

2nd. Palace Ward shall comprise all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward. 5

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.

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 Saint Roch which lies within the limits of the said City of Quebec, and bounded as follows: on the East by the eastern limits of the said Parish of St. Roch, on the South by the southern limits of the said Parish, on the North by the northern limits of the said City of Quebec, and on the West by a line drawn along the middle of Anne Street and extending northerly in a straight line as far as the Northern limits of the said City, and southerly until it meets St. Valliere Street, and thence running westerly as far as the junction of St. Valliere Street with Côte d'Abraham Street, and thence along the middle of Côte d'Abraham Street to the limits of the said Parish of St. Roch.

6th. Jacques Cartier Ward shall comprise all that portion of the said Parish of St. Roch which lies within the limits of the said City of Quebec and is not included in St. Roch's Ward.

7th. St. John's Ward shall comprise all that portion of the said City, bounded on the North by the said Parish of St. Roch, and on the South by the *Cime du Cap* on the bank of the St. Lawrence, on the East by the fortifications of the said City, and on the West by a line commencing at the limits of the said Parish of St. Roch, and running as far as the *Cime du Cap* on the bank of the St. Lawrence, and along the middle of Côte d'Abraham, St. Geneviève Street, Artillery and Artigny Streets, continued from the middle of Artigny Street to the *Cime du Cap*.

8th. Montcalm Ward shall comprise all that portion of the said City of Quebec which is not included in the other Wards.

Mayor and
Councillors to
be elected.

V. And be it enacted, That there shall be elected in the manner hereinafter mentioned one fit person, who shall be and be called the Mayor of the said City of Quebec, and a certain number of fit persons who shall be and be called Councillors of the said City, and such Mayor and Councillors for the time being shall be and be called the Council of the said City. 5

Qualification
of a Councillor.

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 or Auditor 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. 10 15 20

Of an Assessor.

Of the Mayor.

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. 25

Certain persons not to be elected.

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, nor the Sheriff or Sheriffs, Coroner or Coroners, 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. 30 35 40

Councillors to be chosen by a majority of votes.

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 qualification in this clause mentioned shall have a right to vote, that is to say:— 45

1st. All persons being at the time of such election and having been since the first day of November next preceding the same, proprietors and co-proprietors of a lot of ground, with or without any buildings thereon erected, 5 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 five pounds currency per year.

2nd. All persons being at the time of such election and 10 having been since the first day of November next preceding the same tenants of a dwelling house, shop or other building or part thereof paying a yearly rent of six pounds and being assessed at that sum;—in the case of several tenants holding in virtue of the same lease, 15 each tenant must pay the sum of six pounds yearly and be assessed at that sum, to entitle him to vote at the said election.

3rd. All persons holding immovable property *à titre d'usufruit* of the yearly value of six pounds; and in the 20 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 25 paid the rate of assessment due by him at the time of such election.

X. And be it enacted, That all persons resident in the City and qualified to vote in the Ward in which they reside, shall vote in no other Ward; and if not resident 30 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.

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

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 35 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 election may be determined; and until such provision shall 40 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 45 vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election, which oath the officer or person holding such election is hereby authorized and required to administer.

Council to make provision for registration of votes.

Voters to
produce certi-
ficate of quali-
fication before
voting.

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

Oath to be
taken.

“I do swear that I am the person described in the certificate and receipt for assessment 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.”

Representa-
tion of Wards.

XIII. And be it enacted, That each of the said several Wards shall be represented in the Council of the said City, by three Councillors.

Term of ser-
vice of Coun-
cillors.

XIV. And be it enacted, That each of the said Councillors who shall be elected according to the provisions of this Act, shall be bound to perform the duties of his office during three years, and each Assessor during one year, subject to the modifications hereinafter mentioned.

Election of
Councillors,
&c.

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

Proviso.

XVI. Provided always, and be it enacted, That the Councillors who shall be elected at the first election under this Act, shall remain in office as follows: one of the Councillors for each Ward shall go out of office on 5 the first Monday in February, one thousand eight hundred and fifty-two, another on the first Monday in February one thousand eight hundred and fifty-three, and the third one on the first Monday in February, one thousand eight hundred and fifty-four: Provided always, that the 10 Council shall determine by lot at its quarterly sitting in the month of March, one thousand eight hundred and fifty-one, the order in which the said Councillors shall go out of office.

Order of retirement from office.

XVII. And be it enacted, That if at any election of a 15 Councillor or Councillors aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall within three days after notice thereof from the City Clerk, make his option, or on his default the 20 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, and a new election shall be had of a Councillor for each of the Wards not represented.

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

XVIII. And be it enacted, That all elections of Coun- 25 cillors 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, or such other person being duly qualified electors 30 under this Act, 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 said City; and any and every Councillor or person so appointed under the provisions of this Act who shall refuse or neglect to 35 accept such appointment, or who shall refuse or neglect to perform the duties resulting from such appointment, or any one or more of these duties, shall pay to the Treasurer of the said City a fine of *fifty pounds* currency; and every Councillor or person so appointed under the provi- 40 sions of this section shall accept such appointment by serving a notice in writing to that effect upon the City Clerk within forty-eight hours after notice given to him of his appointment by the Clerk of the said City; if such appointment be not accepted, or if the duties thereof be 45 not fulfilled within the proper time, a new appointment may be made by the Mayor, or in case of a vacancy in the office of Mayor, by the Council of the said City; and after such new appointment shall have been made either by the Mayor or Council, but not before, the appoint- 50 ment previously made of the Councillor in default shall be void and of no effect; Provided always, that the neglect of any Councillor to accept such appointment in

Elections, where to be held.

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

Poll Clerks to be appointed.

XIX. 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 being duly qualified as an elector or electors for the said City, to act and assist him as Clerk or Clerks of the Poll, and the person so appointed, before acting, shall take the following oath, which such Councillor is hereby empowered and required to administer, that is to say :

Oath to be taken by them.

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

Hours during which Poll shall be held.

XX. 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 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 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 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 on the payment of a fee of one shilling ; Provided, that when the electors are unanimous in their

Proviso.

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:—Provided always, Proviso.

5 that each candidate elected shall be one of those who named himself, or was named as such at the opening of the poll; and if during the progress of the election any candidate shall retire, leaving but one candidate having a majority of votes, he shall be declared duly elected,

10 and the poll for the election of such Councillor or Assessor shall be closed.

XXI. 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 Penalty on persons wearing party badges, &c.

15 flag, ribbon or cockade, or other badge or mark whatever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall by violence, menace or malicious practice, or in any manner or way whatsoever, impede or disturb, or thereby endeavour to impede or disturb any election, or thereby prevent

20 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

25 Province, for every such offence.

XXII. 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 Person holding election to enforce the peace.

30 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;

35 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 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

45 or other person holding any such election, shall have power and authority, on view, or on 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

50 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 elec-

tion is held, or to the gaoler of the District of Quebec ; which order such officer of militia, peace officer or gaoler is hereby required and commanded to obey under a penalty not exceeding twenty-five pounds current money of this Province for disobedience thereto; provided, the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours:—And provided also, that no such arrest, confinement or imprisonment, shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable for any thing done contrary to the true intent and meaning of this Act.

XXIII. And be it enacted, That if at any election of a Councillor or Councillors or Assessors, to be had as aforesaid, the poll shall be interrupted by the death or severe illness of the Councillor or other person holding such election, the person or persons authorized by him to aid and assist him as Clerk or Clerks, and sworn as hereinbefore directed, shall, under the penalty of ten pounds current money of this Province, 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 shall make a particular entry in the Poll Book, as well as make a special return, unless his or their authority shall have been previously superseded by the recovery of the Councillor appointed to hold such election, from such illness as aforesaid.

XXIV. And be it enacted, That the Mayor and Councillors of the City 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 provisions of this Act: and the person who shall so be the Mayor of the City of Quebec, at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act; and on the first Monday in February, in the year eighteen hundred and fifty-one, the Members of the Council for each Ward respectively, shall go out of office: Provided always, that each of the said Councillors so going out of office may be re-elected, if duly qualified according to the provisions of this Act: Provided always, that if on the first Monday in February, eighteen hundred and fifty-one, or any subsequent year, there shall be a vacancy or vacancies in the office of any Member or Members of the Council for any Ward, who would not, under the provisions of this section, have gone out of office on that day, then a Member

or Members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the Member who shall then go out of office under the provisions of this section: *Provided* always, that the Member of the Council so elected to fill such vacancy, shall remain in office until the time when the Member in whose stead he is elected would, in the usual course, have gone out of office; *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 Monday in February be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

XXV. And be it enacted, That there shall be in each year four Quarterly Meetings of the said Council, which shall be held on the following days, that is to say: on the second Monday in the months of March, June, September and December, in each and every 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.

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

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

whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect, from any Members of the said Council, one who shall, during such vacancy, act as Mayor of the said City, and shall, until such vacancy be filled up, have all the authority, power and rights vested by law in the Mayor of the said City. 5

XXVIII. And be it enacted, That at the first Meeting to be held by the said Council in the month of March, in each year, the Members of the said Council shall elect by a majority of votes, from the persons qualified to be Councillors, two persons who shall be, and be called Auditors of the said City of Quebec; and every such Auditor shall continue in office for the year following his election; Provided always, that in every such election of Auditors, no Member of the said Council shall vote for more than one person to be such Auditor as aforesaid: And provided also, that no Member of the said Council, nor the Clerk nor the Assistant Clerk of the said City, nor any paid servant of the Council, shall be capable of being elected an Auditor as aforesaid; And provided further that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any General or Special Meeting; and the person so elected shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office. 10 15 20 25

XXIX. And be it enacted, That no person elected to be Mayor, Councillor, Assessor, or Auditor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed, before any two or more of such Councillors, (who are hereby respectively authorized and required to administer the said oath to each other,) an oath in the words or to the effect following, that is to say:— 30 35

“ 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 (five hundred pounds, *if a Councillor or Mayor, and if Auditor or Assessor,* two hundred and fifty pounds, as the case may be,) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Councillor, Auditor, or Assessor, *as the case may be,*) as aforesaid: So help me God.” 40 45 50

XXX. 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
 5 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*
 10 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 office hereinbefore mentioned, within four
 15 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
 20 by law or any 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
 25 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
 30 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 Adjutant General or Deputy Adjutant General of Militia,
 35 or Provincial Secretary or Assistant Secretary, nor the Deputy Post Master General or his Deputies, nor any Custom House officer, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any School-master, shall be held or bound to accept
 40 any such office as aforesaid, or any other office in the said City.

Penalty for non-acceptance of office.

Proviso.

Proviso.

Persons exempted from serving in the Council.

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

Cases in which the Mayor or Councillors may become disqualified.

The Mayor
and Council-
lors to be Jus-
tices of the
Peace while in
office.

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

Appointment
of officers of
Council.

XXXIII. 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, 15 not being a Member of the Council, to be Clerk of the said City,—and another fit person, not being a Member of the said Council, and not being City Clerk, to be the Treasurer of the said City,—one or more fit person or persons, not being Members of the Council, to be the Clerk or Clerks of the Markets of the said City,—and one or more Surveyor or Surveyors of Highways, Streets, and Bridges,—and such number of Overseers of Highways, Streets, and Bridges, as they may deem necessary,— one or more Pound-Keeper or Pound-Keepers for the said 20 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 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, 30 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, and other officer, to be appointed as aforesaid, such salary and allowance 35 or other compensation for their services as they may think fit; and whenever 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 40 said officer, it shall be lawful for the Mayor of the said City by a writing under his hand to appoint a fit and proper person to be assistant to any such officer named by the said Council of the said City, and every such assistant shall, during the time for which he may be so appoint- 45 ed, discharge the duties of the office of any such officer named by the said Council, and all acts, matters and things done by the said assistant, during the time of his appointment, shall have the same force and effect as if performed by any such officer named by the said Council 50 of the said City.

XXXIV. And be it enacted, That if after the passing of this Act, any extraordinary vacancy shall occur in the office of Member of the Council of the said City or in the office of Assessor for any Ward thereof, the persons 5 qualified to vote in the Ward for which such vacancy shall have occurred, shall on a day to be appointed by the Mayor, or in his default, by the Council, after such vacancy shall have occurred, elect from among the persons qualified to be Members of the Council, or from 10 among the persons qualified to be Assessors, a person duly qualified to fill such vacancy as the case may be ; 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 15 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, 20 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 Monday in February in any year ; And should any Councillor, after having been in office for 25 and during the term 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 30 up extraordinary vacancies ; Provided always, that any Councillor who shall have performed the duties of his office during more than one year, may resign such office, on giving notice in writing of his intention so to do to the said Council, without being liable to any penalty ; and 35 such office shall be filled in the manner hereinbefore prescribed.

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

Proviso.

Proviso.

XXXV. 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 40 Majesty King George the Third, intituled, "*An Act for Making, Repairing and Altering the Highways and Bridges within this Province, and for other purposes,*" as provides for the appointment of Assessors and of a Road Treasurer for the said City of Quebec ; and also 45 of a certain Act of the Legislature of the said Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "*An Act to increase the number of Assessors for the Cities of Quebec and Montreal,*"—and also so much of a 50 certain other Act of the Legislature of the said Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, "*An Act to amend an Act passed in the thirty-sixth*"

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

Of 9 Geo. 4, c. 16.

And of 39 Geo.
3, c. 5, repeal-
ed.

“ year of His present Majesty's Reign, intituled ‘ *An Act
for Making, Repairing and Altering the Highways and
Bridges within this Province, and for other purposes,* ’ ”
as provides for the appointment of a Surveyor of the high- 5
ways, streets, lanes and bridges in the said City of Quebec,
by the Governor, Lieutenant Governor or Person admin-
istering 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 10
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 Legis-
lature 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 15
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 20
the thirty-sixth year aforesaid, and which under and by
virtue of the said Ordinance to incorporate the City and
Town of Quebec, are now vested in and imposed on the
Assessors appointed in pursuance of the last mentioned
Ordinance, and on the Treasurer of the said City, 25
and on the Surveyor of highways for the said City of
Quebec, appointed respectively under the authority of
the last mentioned Ordinance, shall continue to be and
shall be and remain vested in and imposed on the Asses-
sors, Treasurer and Surveyor of highways for the said 30
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 35
virtue of the present Act.

Provision as to
assessment of
property of ab-
sentees.

XXXVI. 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 40
by any agent or other person on behalf of the said absent
owner or owners thereof, an increase of ten per cent. on
the amount at which the said property may and shall be
assessed, shall annually accrue upon and be made to all
arrears of assessment due on such property so long as
the same shall remain unpaid ; and the said property, or 45
any sufficient part or portion thereof, if the same be easily
susceptible of division, shall, after five years non-payment
of the said arrears of assessment and increase of ten per
cent. thereon, be liable to be sold therefor ; and the
Sheriff of the District of Quebec is hereby authorized 50
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 and satisfaction of any judgment 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
 5 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 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
 10 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.

XXXVII. And be it enacted, That the Treasurer of
 15 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
 20 seasonable times be open to the inspection of any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the months of July and January in every year be submitted by such Treasurer to the Auditors
 25 elected for the said City as aforesaid, and to such number of the said Council as the Mayor of the said City shall name, on 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
 30 and audited from the first day of January in the year preceding the first day of July, and from the first day of July to the thirty-first day of December in the year in which the said Auditors shall have been elected and named, and if the said accounts shall be found to be
 35 correct, the Auditors shall certify the same to be so; and after said accounts shall have been so examined and audited in the month of January 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
 40 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.

XXXVIII. And be it enacted, That the Treasurer of
 45 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 the Mayor or by three or more Members of the said Council, and counter-
 50 signed by the Clerk of the City, or in pursuance of a judgment or order of any Court of Justice; and that no

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

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

Justice of the Peace shall have the right to order any payments to be made out of the funds of the said City.

Officers of
Corporation to
render an ac-
count in writ-
ing, &c.

XXXIX. 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 5 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 10 committed to their charge by virtue or in pursuance of this Act; and also of all moneys which shall have been by them respectively received by virtue and for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers 15 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 20 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 25 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 30 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 35 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, 40 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 45 if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver 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 50 been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required to commit such offender to the Common

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

Proviso.

Proviso.

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

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

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

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

XLII. 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, *gratis*, to the inspection of all persons qualified to vote at the election of Councillors, and the said meetings shall be held with open doors, and all extracts from the book required to be kept by this section of this Act, and all copies of entries therein, and generally all certificates, deeds and papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the seal of the said City, shall in all Courts of

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

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

Justice in this Province be taken and received as evidence of the facts set forth in such extracts, copies, certificates, deeds and papers, respectively; and that any copy, in writing or printed, of a By-law of the Corporation or other Document, certified by the City Clerk or by his Deputy, and having the common seal of the said Corporation thereto annexed, shall be held authentic, and shall accordingly be received in evidence, in all Courts, civil or criminal, without further proof, unless it be expressly pleaded that such signature and seal are forged.

Council to appoint Committees.

XLIII. And be it enacted, That it shall be lawful for the said Council to appoint, from and out of the Members comprising such Council, such and so many Committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties, within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority, and control of the said Council.

Certain powers of Courts of Quarter Sessions, &c. vested in Corporation.

XLIV. 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 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 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 overseers 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 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, 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
 5 and control of the said Council of the said City, shall continue to be and shall be and remain subject to the power and authority, order and control of the said Council of the City; and the said Council shall moreover have the exclusive power to grant or refuse ferry licenses to
 10 persons plying as ferrymen to the said City of Quebec from any place within thirty miles of the said City, and also to impose penalties on persons ferrying to the said City without such license, and to impose a penalty for every time that any person shall ferry to or land at the
 15 said City without having taken out such license, which penalty shall not exceed *five pounds* for each offence, and be recoverable from the master or owner of the ferry-boat, any law, usage or custom to the contrary notwithstanding.

XLV. And be it enacted, That it shall be lawful for
 20 for the said Council of the said City of Quebec to borrow on the credit of the said City such sum or sums of money as the said Council for the said City may think proper to borrow on the credit of the said City:—Provided always,
 25 shall not exceed at any one time the sum of one hundred thousand pounds currency, and all and every public moneys raised or to be raised by assessment as aforesaid, and all moneys now due and payable, or that may hereafter be due and payable to the said Council of the said
 30 City, as well as all other moneys hereafter to be raised or received by and under the authority of this Act or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the
 35 said City, and with the payment of the sums of money which have been already borrowed by the said Council of the said City, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and ow-
 40 ing 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
 45 legally due or hereafter to be legally due by the said Council of the said City, shall be payable from and out of all or any moneys that may be raised 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
 50 be in force in this Province, or by any other cause or causes whatsoever.

Corporation.
may borrow
money.

Proviso.

May make By-laws for certain purposes.

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

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

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

Raising money by assessment, &c. &c.

For the raising, assessing, and applying such moneys as may be required for the execution of the powers with which the said Council is now or hereafter may be invested, either by imposing tolls and rates, to be paid in respect of any public works within the said City, or by means of a rate or assessment to be assessed and levied each and every year, on real or personal property or both, excepting household furniture, within the 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 three pence* in the pound on the assessed yearly value of the property liable to such assessment, and by imposing a duty or duties on the keepers of houses of public entertainment, as hotels and the retailers of spirituous liquors, and on all hawkers, pedlers, and petty chapmen within the said City, and on proprietors, owners or keepers of theatres, circuses, or public exhibitions, or shows of any kind, or of horses or carriages of any kind kept for pleasure, for working, or for hiring out, or of dogs, or of billiard tables or gambling houses, or places for gambling in the City where 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 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 premises ; 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 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 manufactories carried

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on, exercised, or in operation within the said City ; on all breweries, distilleries, and founderies, and agents and agencies of breweries and distilleries ; on all soap and candle factories ; camphine or other oil factories ; ginger
 5 beer, spruce beer, and root beer brewers and breweries ; on brick manufactories, mills of any kind, druggists, wood dealers, and wood yards ; on all ball alleys and other means of gambling ; and on all tanneries and slaughter houses within the said City ; and on all persons acting as
 10 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 thirty miles distant from the same.

For increasing the amount of the commutation money payable by each person liable to statute labour on the
 15 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
 20 thereof, for and exempting 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.

25 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, 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
 30 purpose whatsoever, any law, statute, or usage to the contrary notwithstanding.

For determinining and regulating the powers and duties of the Clerks of the markets in the said City, and of all other officers and persons employed or to be employed
 35 by the said Council in or about any of the said markets ; for disposing by lease or otherwise of the revenue from the said markets, in such way as they may see fit ; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said
 40 markets or upon the said market places ; and for imposing, regulating, fixing and determining the duties, taxes, or rates to be paid by any person or persons selling or retailing in or at any of the said markets any provisions, vegetables, butcher's meat of any kind, grain, fowls,
 45 poultry, 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 ; any thing in the second section of an Ordinance passed in the seventeenth year of His Majesty George the Third,
 50 chapter 4, intituled "*An Ordinance for regulating the Markets of the Towns of Quebec and Montreal,*" to the

Commutation
money for Sta-
tute labour, &c.

Sites of Mar-
kets, &c.

Duties of
Clerks of Mar-
kets, &c.

contrary notwithstanding, which section is hereby repealed; 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. 5

Vehicles, &c. 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. 10

Board of Health. 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. 15 20

Measurement of firewood, &c. 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 shall hereafter be bought and sold in the said 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. 25 30

Assessing proprietors of real property. For assessing the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public streets or highways within the said City, and immediately in front of such 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. 35

Proviso.

The proprietors to enclose their ground. To compel the proprietor or proprietors of all real property within the City limits to enclose the same, and to keep the same clean and free from filth and dirt. 40

Removal of snow, &c. For directing and requiring the removal, at any time, of the snow from the streets and the roofs of houses, or of any filth, dirt, or other nuisance, offensive to the inhabitants, or prejudicial to public health, of any door-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 45

in or on which such projection or obstruction, filth, dirt, or nuisance shall be found.

For defraying out of the funds of the said City the expense of lighting the said City; or any part thereof, 5 with gas or with oil, or in any other manner, and of performing all such work of any kind as may be necessary for such purposes, and for obliging the proprietors of real property in any part of the City, so lighted, or to be lighted, to allow such work to be performed on or in such 10 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 15 of the funds of the said City.

Lighting with Gas.

For altering the level of the footpaths 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 20 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 footpath in front thereof.

Footpaths, &c.

Proviso.

25 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 30 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.

Dilapidated walls, &c.

For regulating, fixing and determining the weight and 35 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 40 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.

Weight of bread, &c.

17th Geo. 3, c. 10, repealed.

45 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.

Apprentices.

- Gaming houses, &c.** To prevent, regulate and assess all gaming or the keeping of any gaming-house or place for gaming in the said City. 5
- Ferry-men.** For the government of persons plying as ferrymen to the said City of Quebec, from any place within thirty 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. 10
- Attendance of Members at meetings of Council.** To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance by the said Members of the said Council of their respective duties as Members of the said Council. 15
- Constabulary force.** For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said force, and for the government generally of the said constabulary force, so as to prevent any neglect of duty or abuse of power on the part of the members composing the said force. 20
- Assessing citizens for watering streets, &c.** For imposing additional assessments on proprietors and tenants 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 proprietors or tenants, residing as aforesaid in such said street, lane, square or section, shall have first prayed or demanded to have the same swept or watered, or the snow removed therefrom; and provided also, that the said assessment shall in no case exceed the amount of *three pence* in the pound: To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged, or deteriorated in value by any mob, tumultuous assemblage or riotous persons whomsoever in the said City. 25 30 35 40 45
- Fines.** 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.

XLVII. And be it enacted, That it shall moreover be lawful for the said Council of the said City at a meeting
5 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 may make by-laws for certain purposes.

To make a tariff of rates to be paid by all persons
10 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.

Wooden buildings.

To prevent the erection or construction of any wooden
15 buildings, within the limits of the said City, or within any portion thereof : Provided always, that it shall be lawful for any person to erect within the limits of St. Roch's and St. John's, Montcalm and Jacques Cartier Wards, or in any part of the same, wooden buildings of one story only, and which shall not exceed twelve feet in height, from
20 the foundation to the eaves of the house.

Construction of buildings so as to prevent accidents by fire.
Proviso.

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

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

XLVIII. 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
30 Resolution to that effect, by a precept addressed to the Sheriff of the District of Québec, 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
35 immediately on receipt of such precept, shall demolish and remove the said building.

May order Sheriffs to demolish wooden buildings.

XLIX. 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
40 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
45 deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City.

Council may make By-laws for establishing rules for preventing accidents by fire.

- Appointment of officers.** For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid into effect, and for prescribing the duties of such officers, and for providing for them adequate remuneration out of the funds of the said City. 5
- Purchase of fire-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 : 10
- Visiting houses, &c.** 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 15 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 20 and upon the same, at the times and for the purposes aforesaid.
- Taking down fences, &c.** 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 25 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.
- Prevention of thefts at fires.** For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any 30 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.
- Defraying certain expenses connected with fires.** For defraying out of the funds of the City any expense 35 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 assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, 40 medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.
- Establishing inquiry into causes of fires, &c.** For establishing or authorizing to be established after any and every fire in the said City, if deemed necessary, a judicial enquiry into the cause and origin of such fire, 45 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
5 wilfully or maliciously originated the said fire or fires.

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
10 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
15 or assessment shall be collected; and by any By-law for any of the purposes for which the said Council are authorised by this section of this Act to make any By-law, the said Council may impose such fine, not exceeding *five pounds*, or such imprisonment not exceeding thirty
20 days, or both, as they may deem expedient for enforcing the same.

Imposing extra assessments.

L. 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
25 of the said Council, to impose by By-law, a penalty not exceeding *twenty-five pounds*, currency of the said Province, on any assessor or assessors, auditor or auditors, of, in or for the said City, or any ward thereof, refusing or wilfully neglecting to attend to perform or fulfil the duty
30 or duties, which he or they, the said Assessor or Assessors, Auditor or Auditors, are or may be bound and required by law to attend to perform and fulfil, which penalty shall be recoverable before the Mayor's Court hereinafter mentioned.

Penalty on Assessors neglecting duties.

LI. And be it enacted, That any person enrolled and serving in any fire, hose, hook and 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,
40 shall during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from serving as a juror, constable or militiaman excepting during any war or invasion of the Province.

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

LII. 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 law-
50 ful for the said Council to grant to persons intending to

Recital.

Council may grant licenses

for chimney
sweeping.

pursue the occupation of chimney sweeping in the said City, or in any part thereof, licenses to sweep chimneys for gain or hire in the said City, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf and 5 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 10 City to be swept, without having received a license 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 license; nor from and after the passing of this Act, shall any person having received such license for gain or hire 15 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 license shall be granted, or at any place within the said City to which such license shall not extend, or beyond the limits mentioned 20 in such license; nor shall any person having obtained such license, charge or receive, either directly or indirectly, any greater sum or allowance of any kind for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any ser- 25 vice to be performed under such license, than he may be allowed to charge under the tariff to be established in that behalf, as hereinafter provided for, under a penalty not exceeding *twenty-five shillings* currency, for each and every offence against any one or more of the foregoing 30 provisions in this section of this Act contained.

By-laws for
sweeping
chimneys.

LIII. 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, 35 for causing all chimneys within the said City to be swept by a licensed sweep or sweeps, 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 40 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 not exceeding *twenty-five shillings* currency, at the discretion of the Court before which the recovery of such penalty shall be 45 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 50 of the said City of Quebec, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such licensed sweep

and the time at which such chimney may have taken fire: Provided always, that any occupant of any part of a house in the said City, who may use or cause to be used the whole or any part of a chimney in or attached to or forming a part of any such house in the said City, shall be considered for all and every the purposes of this section of this Act as the occupant of such house: And provided further, that if any chimney that may so take fire be in the use or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities in all respects as if such chimney had been in his sole use: And provided also, that any chimney which may be used in any way for the purpose of heating any building or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, shall be considered as a chimney in such building for all and every the intents and purposes of this Act.

LIV. 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 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:

LV. Provided always, and be it enacted; That all and every the by-laws, 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 to 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.

LVI. 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

Proviso.

Proviso.

Copy of By-laws to be transmitted to Governor of the Province, who may disallow if he think fit.

Proviso.

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

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

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 hereafter mentioned, in case they shall not so agree upon the same.

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

LVII. 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 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 of 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.

Mode of pro-
ceeding in case
of disagree-
ments as to price
of land.

LVIII. 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: upon a petition from the said Council to one of the Judges of the Superior Court for Lower Canada, or to a Circuit Judge, and upon proof that notice in writing was given one month previously, to the party seized, possessed of or interested in such pieces or parcels of ground or real

property, or his, her, or their tutor, curator, administrator, attorney, agent or curator *ad hoc*, of the intention of the said Council to present such petition to the said Judge, for the purpose of taking possession of, entering into and 5 appropriating to the use of the said Corporation such pieces or parcels of ground or other real property, the said Judge shall command the Sheriff of the District of Quebec to summon (and the Sheriff shall obey such order) on the day and at the place and hour appointed 10 by the Judge, a Jury of six 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 15 to be paid by the said Corporation for such pieces or parcels of ground or real property as aforesaid: *Provided*. *Proviso.* always, that any determination as aforesaid, in which any four of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had 20 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, two months' notice shall be by the said Council given in two of the newspapers of the City of the intention of the said Council to 25 present a petition to the said Judge praying him to summon a Jury for the above purpose.

LIX. And be it enacted, That the said Judge, or any *Judge to preside.* other Judge of the Superior Court, or Circuit Judge, shall preside over the proceedings of such Jury who shall 30 be sworn before him, and he shall have all the powers vested in the Superior Court for Lower Canada, as regards the swearing, summoning and compelling the attendance of the Jurors and of witnesses.

LX. *Verdict to be final.* Provided always, and be it enacted, That the 35 verdict or determination of the said Jury shall be final to all intents and purposes, and that the presiding Judge shall give a judgment by which the said Council shall be declared proprietor of the lot or lots of ground in question (describing the same) on paying the price fixed by such 40 verdict, and such judgment shall be valid to all intents and purposes.

LXI. And be it enacted, That the said Council shall 45 proceed without delay to obtain a judgment of confirmation of their said title before the Superior Court, sitting *Council to obtain judgment of confirmation.* for the District of Quebec, according to the ordinary course of Law.

LXII. And be it enacted, That the owner of the said *Price to be paid into Court.* property shall not be entitled to claim from the said Council, payment of the sum of money awarded by the 50 said Jury, but that the same shall be deposited with the

title in the hands of the Clerk or Prothonotary of the said Superior Court, to be paid and distributed as ordered by the said Court, and upon such deposit the said Council shall become the owner and proprietor of the said property; and upon the refusal of any person to give up possession of such property or of any part thereof, any Judge of the said Court shall have power and is hereby required at the instance of the said Council to grant an order to the Sheriff of the District of Quebec to put the said Council in possession of such property, and the Sheriff shall obey such order.

Mode of ascertaining value of real property extended to cases when it shall be requisite to ascertain damages for altering foot-paths, &c.

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

Corporations whose property shall be conveyed to council may invest the price thereof in other real property.

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

Appointment of Police force.

2 Vict. c. 2, and

4 & 5 Vict. c. 27.

LXV. And be it enacted, That for the purpose of defraying the expense of the Police force hereinafter authorized to be established, all fines and penalties imposed or hereafter imposed by and in virtue of the Ordinance passed in the second year of Her Majesty's Reign, intituled "*An Ordinance for establishing an effective system of Police, in the Cities of Quebec and Montréal,*" shall be paid to the City Treasurer or other officer of the Corporation appointed to receive the same, and also all fines on persons convicted or hereafter convicted of common assault and batteries, under and by virtue of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled "*An Act*"

“for consolidating and amending the Statutes in this Pro-
“*vince 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
5 before one or more Justices of the Peace other than in
the Court of Quarter Sessions, the said several sums to
form part of the funds of the Corporation of the said City
of Quebec, any thing in the said Acts to the contrary
notwithstanding; and be it enacted, that it shall be lawful
10 for the said Council, as soon after the passing of this
Act as may be, and from time to time thereafter as oc-
casion 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,
15 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 look to the execution of all By-laws,
20 regulations and orders of the said Council; and the men
so sworn, shall not only within the City of Quebec, but
also within the whole of the District of Quebec, have all
such powers and privileges (and be liable to all such
duties and responsibilities) as any Constable or Peace
25 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 manage-
30 ment of the said Constabulary force, as to the said Coun-
cil 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
35 commands as they may receive from the said Council,
and any officer or officers so to be appointed, shall, dur-
ing his appointment, have not only all the powers and
privileges of a Constable appointed under this Act; but
also all such powers as may be necessary for the legal fulfil-
40 ment 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
45 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, con-
trol, dismissing or suspending of the Constables so to be
50 appointed, as the said Council may think proper, by a
By-law in that behalf, to give to the said Officers respect-
ively.

Policemen
to be Constables
at all Criminal
Courts
in Quebec.

LXVI. And be it enacted, That the Police-men sworn as Constables, under the next preceding section, shall have full power and authority, and are hereby required and enjoined to act as Constables, at, for, and with regard to each and every Court of Criminal Jurisdiction to be held within the said City of Quebec, and to attend at each such Court accordingly as such Constables, in the place and stead of any other Constable, not being such Policeman. 5

Duty of Constables,

LXVII. And be it enacted, That it shall be lawful for 10 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 contravening any By-law or order of the said Corporation, or whom he shall have just cause to suspect of intention to commit an 15 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 20 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.

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

LXVIII. And be it enacted, That when any person 25 charged with any petty misdemeanor, or with contravening any by-law of the said Corporation, 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 at any watch-house or police 30 station 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 35 Peace within the said City of Quebec, or the Mayor's Court, at some time and place to be specified in the recognizance, and every recognizance so taken shall be of equal obligation on the party entering into the same, and liable to the same proceedings for the estreating 40 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 Police Station or watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into 45 such recognizance, together with the conditions thereof, with the sums respectively acknowledged, and shall lay the same before the Mayor's Court, or 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 50 not appear at the time and place required, or within one hour after, the Mayor's Court or Justice shall cause

a record of recognizante 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 a Member of the Mayor's Court or such Justice, that the party has not complied with the 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 Mayor's Court or Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint, and when the matter shall be heard and 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 Justice shall be discharged without fee or reward.

LXIX. 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 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.

Punishment of Police Officers neglecting duty, &c.

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

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

Proviso.

LXXI. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That it shall be lawful for any three of the Members of the said Council to hear, try and determine, all causes and suits that may be brought by the said Corporation of the said City for the recovery of any sum or sums of money that

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

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 5
 Justices of the Peace for the District of Quebec before
 the passing of the said Ordinance to incorporate the City
 and Town of Quebec, or heretofore made or hereafter to
 be made by the said Council, or other competent authority;
 and also to hear and determine all offences against any such 10
 by-law, rule, regulation or order, or against any law con-
 cerning 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 15
 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 or that hereafter may be in force in
 the said City as aforesaid, or under this Act, or under any
 other Act or Acts whereby jurisdiction is given to one or 20
 more Magistrates to hear and determine upon the same,
 the said fines or penalties being for offences committed
 within the said City, 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 25
 City; and for the purposes aforesaid, any three of the
 Members of the said Council shall, at such place in the
 said City of Quebec as they may deem proper, hold a
 Court from time to time, as occasion may require, to be
 called the Mayor's Court, in which the Mayor when 30
 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 to be under any
 seal, but shall run and be in the name and style of Her 35
 Majesty, Her Heirs or Successors, and shall be signed by
 the Mayor of the said City of Quebec, and be counter-
 signed 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 40
 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 45
 of the party accused or complained against in not appear-
 ing, upon proof of service of such summons by the return
 in writing of the persons who made the service, to pro-
 ceed with the examination of the witness or witnesses, on
 oath, and to give judgment accordingly, by awarding costs 50
 for the successful party; and when the party accused or
 complained against shall be convicted of such offence, or
 if judgment be given in favor of the plaintiff, for the sum
 of money sought to be recovered, or for any part thereof,

on proof or by confession, to issue a warrant or warrants, to be signed and countersigned as aforesaid, requiring any Constable or Bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made, which warrant shall authorize any Constable or Bailiff to execute such warrant in any part of the District of Quebec, by seizure and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such warrant shall thus be issued; and when the goods of a person so convicted, or against whom a judgment shall be given, for any such fine or penalty, shall not prove sufficient to satisfy such warrant, upon a return to that effect, the said Court, by a further warrant, to be signed and countersigned as aforesaid, to be addressed to any Constable or Bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given for costs in either case, shall have been paid and satisfied; Provided always, that no person, so committed, shall be detained in Gaol more than one calendar month, and where imprisonment for any time is the punishment to be suffered by any person or persons, under any conviction or convictions to be pronounced by the said Mayor's Court, the said last mentioned Court, by a warrant to be signed and countersigned as aforesaid, and to be addressed to any Constable or Bailiff, shall cause such person so ordered to be imprisoned, to be forthwith 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 seizing the said goods and chattels, shall give notice at the Church door, or such place as may be directed by the said Council, of the day on which the sale is to take place, and that such notice be given at least eight days before the sale; Provided always, that the said Mayor's Court shall have power to grant delay for payment of the amount of any judgment, and to order that the same be paid by instalments.

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

Proviso.

Proviso.

LXXII. And be it enacted, That it shall be lawful for the said 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

Contempt of Court to be punished by fine or imprisonment.

Court ; to force the attendance of any witnesses in any action, cause or prosecution 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 judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada, and to cause the execution of and 10 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 Courts of Civil Jurisdiction in Lower Canada ; 15 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 allow the costs set down in the tariff hereunto annexed, to the Clerk of the said Mayor's Court and to the bailiffs and other such officers to be 20 employed in and about the said Mayor's Court ; and it shall be the duty of the Clerk of the said Mayor's Court to prepare and make out all the precepts, writs and processes severally that may issue from the said Court, and in a register, to be kept for that purpose, to enter in a 25 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 ; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence in any 30 cause, suit, action, prosecution or other proceeding in the said Mayor's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury ; and any member of the said Council, excepting the members of the said Council then 35 holding the said Court, and any member, officer or servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Mayor's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered 40 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 45 the said Court for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness ; and no person shall be deemed an incompetent witness upon any proceedings in the said Court under this Act, by reason of 50 his being a resident of the said City of Quebec ; and all by-laws, rules and regulations, assessment books and other documents, of and belonging to the said Corporation, and in possession of their officers, and produced in

Council may
appoint Bail-
iffs of May-
or's Court.

any suit or case in the Mayor's Court, shall be deemed authentic, and require no further proof, unless their authenticity be specially denied.

LXXIII. And be it enacted, That in any suit or action 5 before the Mayor's Court, it shall not be necessary to reduce to writing the depositions of the witnesses, but such witnesses shall be examined *viva voce*, in open Court, any law, custom, or usage to the contrary notwithstanding; Provided always, that if any such suit or action 10 be of the class of those suits or actions in which by this Act an appeal may lie to the Superior Court of Lower Canada, it shall be the duty of the Mayor, or one of the Councillors hearing the cause, to take notes in writing of the material parts of the said depositions, which notes 15 being signed by him or such Councillor, shall be fyled, and remain of record in the cause, and shall have, to all intents and purposes, the same legal force and effect as the said depositions would have had if they had been reduced to writing according to the law heretofore in force 20 in that behalf.

Oral testimony sufficient in Mayor's Court.

Proviso; notes to be taken of depositions in appealable cases.

LXXIV. And be it enacted, That from any judgment rendered by the Mayor's Court of Quebec, in any suit or action, in which the sum of money or the value of the thing demanded, shall exceed ten pounds currency, an 25 appeal shall lie to the Superior Court of Lower Canada, sitting for the District of Quebec; which said Court shall proceed to hear and adjudge on such appeal, as to law may appertain, and in the manner hereinafter provided.

Appeal to Superior Court in certain cases.

LXXV. And be it enacted, That the party appealing from any judgment rendered as aforesaid by the Mayor's Court, shall, within fifteen days after the rendering of the judgment to be appealed from (but without being bound to give previous notice thereof to the adverse party) give 35 good and sufficient security, by sureties, who shall justify their sufficiency to the satisfaction of the person before whom it shall be given as hereinafter provided, that he will effectually prosecute the said appeal and answer the condemnation, and also pay such costs and damages as 40 shall be awarded by the Court appealed to, if the judgment appealed from should be affirmed; which said security shall be given either before any of the Justices of the Court appealed to, or the Clerk or Prothonotary thereof, and the bond shall there be deposited and remain of 45 record in the office of the latter; and any one surety, being a Proprietor of landed property, of the value of fifty pounds currency, over and above all incumbrances payable out of or affecting the same, shall suffice to render such security valid, and the said Justices, and Clerks or 50 Prothonotaries, are hereby respectively authorized to administer all oaths required by law in such cases from

Security to be given in cases of appeal.

Proviso. the persons so becoming sureties ; Provided always, that
 if the party appealing shall within the same delay of fif-
 teen days after the rendering of the Judgment agree and
 declare, in writing, at the office of the Clerk or Protho- 5
 notary of the Court appealed to, or at the office of the
 Clerk of the said Court appealed from, that he does not
 object to the Judgment being carried into effect accord-
 ing to law, or shall pay into the hands of either of the said
 Clerks or Prothonotaries, the amount in capital, interest 10
 and costs, of the said Judgment, and shall, at the same
 time, declare in writing, his intention to appeal, (which
 amount when so paid, the respondent shall be entitled to
 have and receive from the said Clerk or Prothonotary,) 15
 then and in that case, the party so appealing, in lieu of
 the security above required, shall give security only for
 such costs and damages as shall be awarded by the Court
 Proviso. appealed to in case the appeal be dismissed; and Pro-
 vided also, that when only such last mentioned security
 shall have been given, the respondent, if the Judgment
 appealed from be reversed, shall not be bound to return 20
 to the appellant more than the amount of money so paid
 by the latter into the hands of the said Clerk or Protho-
 notary, with the legal interest thereon from the day of the
 payment of the same to the said Clerk or Prothonotary, or
 more than the sum levied under the execution sued out 25
 upon such Judgment, with the legal interest upon such
 sum from the day of its being so levied, until perfect res-
 titution is made with the costs of such appellant, as well
 in the Court appealed to, as in the Court below, but
 without any damages, in any of the said cases, against 30
 the respondent by reason of the said Judgment of the said
 execution ; any law, custom, or usage to the contrary not-
 withstanding.

Appeals to be
 prosecuted in
 a summary
 manner.

LXXVI. And for the purpose of obviating delay and
 expense in the prosecution of appeals from Judgments 35
 rendered by the Mayor's Court, Be it enacted, That such
 appeals shall be prosecuted and proceedings thereon had
 in a summary manner, by petition of the appellant to the
 Court to which such appeal shall lie, as aforesaid, setting
 forth succinctly the grounds of appeal, and praying for the 40
 reversal of the Judgment appealed from, and the rendering
 of such Judgment as by the Court below ought to have
 been rendered ; a copy of which petition, with a notice of
 the time at which it is to be presented to the Super-
 ior Court, shall be served on the adverse party per- 45
 sonally or at his domicile or place of business, within
 twenty days from the rendering of the Judgment
 appealed from; and such petition shall be so pre-
 sented on any of the first ten days of the Term
 of the Court appealed to, next succeeding the ren- 50
 dering of the Judgment, if there shall be an interval of
 twenty-five days between the rendering of such Judg-
 ment and the last of the said ten first days of the said

Term ; and if there shall not be such an interval, then on the first Juridical day of the second Term of the Court appealed to, next succeeding the rendering of such Judgment ; Provided always, that neither the day of the rendering of the Judgment appealed from, nor the day of the presenting of the said Petition to the Court appealed to, shall be considered as forming part of the said interval of twenty-five days ; And provided also, that a true copy of the appeal bond, given by the party appealing, certified as such by the Clerk or Prothonotary in whose office it shall have been deposited, shall be annexed to the original of the petition presented to the Court appealed to, and that a copy or copies of the same, certified as such by the party appealing, or his Attorney, shall be served with the petition and notice hereinbefore mentioned, upon the party respondent.

LXXVII. And be it enacted, That within the same delay of twenty days after the rendering of the Judgment appealed from, as aforesaid, the party appealing shall also cause a copy of the said petition and notice only to be served upon the Clerk in the office and custody of whom the record of the suit or action appealed from shall be, with a certificate from the Clerk or Prothonotary of the Court appealed to, that security in appeal has been given, if the appeal bond shall not be deposited in the office of the Court appealed from ; and thereupon it shall be the duty of the said Clerk or Prothonotary of the last mentioned Court, without waiting for the presenting of the said petition to the Court appealed to, forthwith to certify under his hand and the seal of the Court to the Court to which such appeal may lie, and to cause to be transmitted to the Justices of the said Court (to be filed among the Records thereof,) the Judgment, record, notes of evidence, and proceedings to which such appeal shall relate ; and after the transmission of the said Judgment, record, notes of evidence and proceedings, and the filing of the said petition of appeal by and on the part of the appellant, as aforesaid, the appeal shall, without any further formality, be summarily heard and judgment thereon rendered by the said Superior Court as to law and justice may appertain ; Provided, that any appellant who shall neglect to cause a copy of such petition and notice of appeal to be served as aforesaid, or who, after having caused the same to be served, shall neglect to prosecute effectually the said appeal in the manner hereinbefore prescribed, shall be considered to have abandoned the said appeal, and upon the application of the respondent the Court appealed to shall declare all right and claim founded on such appeal, to be forfeited, and shall grant costs to the respondent, and order the record (if transmitted) to be remitted to the Court below.

Process in
Mayor's
Court to be
summary.

LXXVIII. And be it enacted, That the process or summons to appear and answer in the said Mayor's Court, shall be a summary process, in which shall be briefly stated the nature of the demand or the complaint which the defendant is called upon to answer. 5

Judgment
after hearing
or proof of
service of sum-
mons.

LXXIX. And be it enacted, That it shall be lawful for the said Mayor's Court, after hearing the defendant, or in his absence, after proof of service of a copy of the said summons, either personally on the said defendant or upon a grown person at his domicile, to render 10
such Judgment as may be authorized by law or any By-law of the Corporation of the said City.

Form of con-
viction.

LXXX. And be it enacted, That the Councillors before whom any person or persons shall be convicted of any offence, shall and may cause the conviction to be 15
drawn up in the form of words subjoined to this Act, under the letter B, or in any other form of words to the same or like effect, and that no order, judgment, conviction, or other proceedings to be had or taken, touching or concerning any of the matters aforesaid, shall be 20
quashed or vacated for want of form only.

Proviso ; as to
certiorari.

LXXXI. Provided always, and it is hereby enacted, That no writ of *certiorari* for the removal of any of the proceedings in the said Court shall, in any case issue, unless the amount of the conviction or con- 25
demnation shall exceed the sum of £2 10s. currency.

Execution
against real
estate in
actions above
£10 sterling.

LXXXII. And be it enacted, That in all cases where Judgment shall be rendered for a sum exceeding ten pounds sterling, there may issue from the said Mayor's Court a writ of *feri facias de terris*, returnable into the 30
Superior Court for the District of Quebec, addressed to the Sheriff therefor, whose duty it shall be to execute the same as in cases of writs from the said Superior Court, and sell immovable property of the defendant in the manner prescribed by law, as sales of immoveable 35
property by virtue of writs from the said Superior Court, and all further proceedings upon such writ shall be had in the said Superior Court in the same manner and way as if it had issued therefrom upon a Judgment rendered in that Court. 40

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

LXXXIII. And be it enacted, That all fines and penalties imposed by any By-law, rule, order or regulation which may be in force, at the time of the passing of this Act, whether made by the Justices of the Peace for the said District before the passing of the said Ordinance 45
to incorporate the City and Town of Quebec, or by the said Council since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by the said last mentioned Ordinance

to amend the Ordinance to incorporate the City and Town of Quebec, or by this Act, or by any Act or Acts concerning any market or markets in the said City, or by any Act concerning any assessment law or duty to be raised in the said City, or by any law now or hereafter to be in force, shall be recovered in the name of the "Mayor, Councillors, and Citizens of the City of Quebec," and for the use of that Corporation, and shall belong to and form part of the general funds of the said City, and in no other name and for no other use; and it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution; and all fines or penalties that may be so paid without prosecution, shall form part of the general funds of the said City.

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

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

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

All debts due to corporation to be privileged debts.

Proviso.

LXXXVI. 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

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

Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed, and all the provisions of any law inconsistent with the provisions of this Act, are hereby repealed.

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

LXXXVII. 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. 5 10

Rights of Her Majesty saved.

LXXXVIII. 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. 15

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

LXXXIX. 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 sitting 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 Superior Court. 20 25 30 35 40

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

XC. And be it enacted, That the Council of the said City of Quebec is hereby authorized and empowered to pass a By-law or By-laws, to punish either by fine or imprisonment, or by both, any 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. 45 50

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

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

XCII. 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.

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

XCIII. 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 according to the directions of the Road Surveyor of the said City, 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.

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

XCIV. 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.

False swearing to be perjury.

XCV. And be it enacted, That the Interpretation Act shall apply to this Act, 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.

Interpretation clause.

Public Act.

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

~~~~~  
B.

*City of Quebec,* }  
To Wit: }

Be it remembered, That on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord, \_\_\_\_\_, A. B. is convicted before C. D., E. F., G. H., Esquires, three of the Councillors for the City of Quebec, at \_\_\_\_\_. For that he the said A. B., at \_\_\_\_\_, did (*as the case may be, specify the offence, and the time and place of committing it,*) contrary to an Act (Statute or Ordinance passed, &c.) or if a By-law (contrary to a By-law of the Council of the said City, intituled (*here set forth the title of the By-law, and as much of it as appears to relate to the offence.*))

Given under the hand of the Mayor of the said City, this

A. B., Mayor.

Attested,  
C. D., City Clerk.

## TARIFF FOR THE MAYOR'S COURT.

|                                                                                                                             | In all cases under<br>£6 5s. |    |    | In those of £6 5s<br>and upwards. |    |    |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------|----|----|-----------------------------------|----|----|
|                                                                                                                             | £                            | s. | d. | £                                 | s. | d. |
| Every writ of summons, and copy .....                                                                                       | 0                            | 1  | 0  | 0                                 | 1  | 6  |
| Entry of each judgment .....                                                                                                | 0                            | 1  | 0  | 0                                 | 1  | 6  |
| Every rule for <i>faits and articles</i> , decisory oath, &c. ....                                                          | 0                            | 0  | 6  | 0                                 | 0  | 9  |
| Every copy thereof.....                                                                                                     | 0                            | 0  | 3  | 0                                 | 0  | 6  |
| On the entry of every opposition.....                                                                                       | 0                            | 1  | 3  | 0                                 | 2  | 6  |
| Every original <i>subpœna</i> .....                                                                                         | 0                            | 0  | 6  | 0                                 | 0  | 9  |
| Every copy of a <i>subpœna</i> , rule or order or <i>extra</i> copy, &c.....                                                | 0                            | 0  | 3  | 0                                 | 0  | 6  |
| Every office copy, per hundred words.....                                                                                   | 0                            | 0  | 4  | 0                                 | 0  | 4  |
| Every copy of a judgment.....                                                                                               | 0                            | 0  | 6  | 0                                 | 1  | 0  |
| For making up the record in each case on appeal or <i>certiorari</i> .....                                                  | 0                            | 0  | 0  | 1                                 | 0  | 0  |
| Every bail-bond in appeal.....                                                                                              | 0                            | 0  | 0  | 0                                 | 5  | 0  |
| Every execution or warrant of seizure or attachment.....                                                                    | 0                            | 1  | 0  | 0                                 | 1  | 6  |
| Every contestation payable by the party contesting.....                                                                     | 0                            | 2  | 6  | 0                                 | 5  | 0  |
| <b>CRIER.</b>                                                                                                               |                              |    |    |                                   |    |    |
| On the entry of each cause or opposition. ....                                                                              | 0                            | 0  | 6  | 0                                 | 0  | 9  |
| <b>BAILIFF.</b>                                                                                                             |                              |    |    |                                   |    |    |
| For the service and certificate or return of each order, judgment, sub-<br>pœna or rule, within the limits of the city..... | 0                            | 1  | 0  | 0                                 | 1  | 0  |
| For every additional copy served after the first.....                                                                       | 0                            | 0  | 6  | 0                                 | 0  | 6  |
| For every additional mile or fraction of a mile beyond the limits of the<br>city .....                                      | 0                            | 0  | 8  | 0                                 | 0  | 8  |
| For every seizure of goods and chattels, and the return thereof.....                                                        | 0                            | 3  | 0  | 0                                 | 5  | 0  |
| For the Assistant (Recors) .....                                                                                            | 0                            | 1  | 0  | 0                                 | 1  | 6  |
| For every sale of goods and chattels .....                                                                                  | 0                            | 3  | 9  | 0                                 | 5  | 0  |
| For publishing the notices of each sale .....                                                                               | 0                            | 1  | 0  | 0                                 | 1  | 0  |
| For every return of <i>nulla bona</i> or other return .....                                                                 | 0                            | 1  | 0  | 0                                 | 1  | 0  |
| For arresting any person and taking him to gaol under any order of the<br>said Court .....                                  | 0                            | 2  | 6  | 0                                 | 5  | 0  |