

C A P. LII.

AN Act to incorporate the City of Quebec.

31st March, 1831 — Presented for His Majesty's Assent and reserved "for the
 ' signification of His Majesty's pleasure thereon."

12th April, 1832, Assented to by His Majesty in His Council.

5th June, 1832, The Royal Assent signified by the proclamation of His
 Excellency the Governor in Chief.

Preamble.

The inhabi-
 tant of the
 City of Que-
 bec incorpo-
 rated for cer-
 tain purposes.

WHEREAS it is expedient to incorporate the City of Quebec, the more
 efficaciously to provide for the future improvement of and convenience of the
 said City: Be it therefore enacted by the King's Most Excellent Majesty, by and
 with the advice and consent of the Legislative Council and Assembly of the Province
 of Lower Canada, constituted and assembled by virtue of and under the authority
 of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal
 " certain parts of an Act passed in the fourteenth year of His Majesty's Reign,
 " intituled, "*An Act for making more effectual provision for the Government of the*
 " *Province of Quebec, in North America,*" and to make further provision for the
 " Government of the said Province of Quebec in North America." And it is
 hereby enacted by the authority of the same, that the Inhabitants of the City of
 Quebec aforesaid, qualified as hereinafter mentioned, shall be and they are hereby
 declared to be a Body Politic and Corporate, in name and in deed, under the style
 or title of "The Corporation of the City of Quebec," and shall as such have suc-
 cession, and be capable in Law to, borrow money as hereinafter mentioned, to take,
 purchase and acquire, by donation, legacy or in any other manner, hold and possess
 Goods and Chattels, Lands and Tenements, real and immoveable Property, to them
 and their Successors, for the purposes of this Act; and also, to give, grant, sell, let
 or assign the same, and shall be capable in Law to sue and be sued, plead and be
 impleaded, in any of His Majesty's Courts in this Province, and may have a com-
 mon seal, and the same from time to time at their will may break, alter and amend
 and all process that shall issue against the said Corporation shall be served at the
 office of the Clerk of the Peace.

What persons
 shall be mem-
 bers of said
 Corporation.

II. And be it further enacted by the authority aforesaid, that every male person
 of the age of twenty-one years, being Proprietor of a House, and of the ground on
 which the same is built, and paying Assessment, within the said City of Quebec,
 and who shall have resided in the said City of Quebec during twelve Calendar
 months, before the period of the Election, (as hereinafter mentioned,) without any
 other interruption than that occasioned by mere temporary absence, not exceeding
 six months, shall be held and considered to be a Member of the said Corporation,
 and as such shall enjoy all the rights, privileges and advantages granted by this
 Act.

III.

City to be divided into ten Wards, and Common Council established—who may appoint officers.

III. And be it further enacted by the authority aforesaid, that for the purposes of this Act, the City of Quebec shall be divided into ten Wards in the manner hereinafter mentioned, and there shall be established a Common Council, composed of twenty Members of the said Corporation, whereof nine shall constitute a Quorum, the said Members to be qualified, chosen, and elected, in the manner hereinafter set forth, and that the said Common Council shall have the power to elect annually a Mayor, who shall on every occasion be one of the Quorum, cases of indispensable absence alone excepted as hereinafter provided, and to elect and appoint such Officers as the said Common Council may deem expedient, and allow them such remuneration as they shall deem just and reasonable.

Limits of the Ward.

IV. And be it further enacted by the authority aforesaid, that the Boundaries and limits of the said ten wards of the City of Quebec, shall be as follows, that is to say :

Saint Louis Ward shall include all that part of the Upper-Town within the Fortifications, and to the south-west of the middle of Saint Louis Street, from the Castle of Saint Louis to Saint Louis Gate.

Saint John's Ward shall include the whole of that part of the Upper-Town between the limits of Saint Louis Ward on one side, and the middle of Buade, Fabrique and Saint John's Streets, on the other from Prescott Gate to Saint John's Gate.

The Seminary Ward shall include all the part of the Upper-Town between the limits of Saint John's Ward, extending along the Fortifications from Prescott Gate, to Saint Flavien street, and thence along the middle of the said street, as also that of Couillard street as far as Saint John street.

Palace Ward shall include all that part of the Upper-Town between the limits of the Seminary and Saint John's Ward on one side, and the Fortifications on the other.

Saint Lawrence Ward shall include all that part of the Lower-Town from the south-western limits of the City, and shall extend north-east to the middle of Rue des Seurs and Mountain street.

Saint Charles' Ward shall include the whole of that part of the Lower-Town from the limits of the Saint Lawrence Ward, and shall extend to the middle of Saint Nicholas street as far as Palace Gate.

Saint Roch's Ward shall include all that part of the City formerly called Quartier du Palais, and that part of Saint Roch's Suburb between the limits of Saint Charles' Ward on one side, and the middle of Craig street with its continuation as far as Côteau Sainte Geneviève on the other.

Dorchester

Dorchester Ward shall include all that part of the Saint Roch and Saint Vallier Suburbs between the limits of the Saint Roch's Ward on one side and the limits of the City on the other.

Saint Geneviève Ward shall include all that part of Saint John's Suburb between the middle of Saint John street on the south, Côteau Sainte Geneviève on the north, the Fortifications on the east, and the limits of the City on the west.

Carrieres Ward shall include all that part of the Suburbs of Saint John and Saint Louis, between the limits of Sainte Geneviève Ward on the north, part of the Fortifications and the brow of the Cape to the South, the Fortifications on the east, and the limits of the City on the west.

Common Council to have the same powers as the Justices of the Peace for the City, &c.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the said Common Council shall exclusively have the same power and authority, as the Justices of the Peace, for the City and Town of Quebec now have by Law, touching the making of Rules and Regulations of Police, the receiving and employing the monies raised in the said City of Quebec, by Assessment or otherwise, and over and concerning all Streets, Lanes, Roads, Causeways, Pavements, Bridges, Embankments, Water-Courses, Sewers, Market Places, Public Squares and all other improvements within the said City, the making and repairing of all Market-houses, and Weigh-houses in the different Markets, the Watching and Lighting of the said City, and generally over and concerning all things which may in any way regard the improvement, cleanliness and convenience of the said City.

Common Council to have possession of public monies raised by assessment, and papers, &c.

VI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, all public monies raised by Assessment or otherwise, which shall be in the hands of the Road Treasurer, or of any other person, the public Funds appropriated by Law, for the Watching and Lighting of the said City of Quebec, and all the immoveable property and outstanding debts formerly under the controul of the said Justices of the Peace, with all the Registers, Books of Assessment, Accounts of Treasurers, Plans and other Documents belonging to or concerning the said City, shall be placed in the hands of the said Common Council, by the several persons in whose possession they shall respectively be.

Justices of the Peace to appoint place of election of Common Council, &c.

VII. And be it further enacted by the authority aforesaid, that the Justices of the Peace for the City of Quebec, may at a Special Session, by them holden for that purpose, on the first Monday in the month of May next, appoint the place of the election of the Common Councilmen of the said City for each of the Wards thereof, and

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and shall cause public notice to be given of the place so appointed, two weeks before such election, in all the newspapers published in the said City, and at the doors of the Churches therein, after Divine Service in the morning, on the two Sundays preceding such election; and the Members of the said Corporation qualified as aforesaid, may meet at the place so appointed, on the first Monday in the month of June following, and elect for their respective Wards, between the hours of ten in the morning, and four in the afternoon, two Common Council men for each Ward of the said Corporation, each of whom shall possess as proprietor and to and for his own use and benefit in the Ward for which he shall be elected in the said City, immoveable or real property to the yearly value of twenty-five pounds currency, over and above what will satisfy and discharge all incumbrances affecting the same and over and above all rents and charges payable out of and affecting the same, and shall have resided in the said City of Quebec (temporary absence excepted as hereinbefore provided), two years at least before such election, and at every such election one of the Justices of the Peace, being a Member of the said Corporation, and for that purpose especially named by the Governor, Lieutenant Governor or person administering the Government of the Province for the time being, shall preside and shall declare and certify to the Clerk of the Peace for the District of Quebec, the names of the persons so elected for the Ward in which he shall have presided, and the said Clerk of the Peace shall give notice in writing of such election to each of the persons so elected, at his domicile, within two days after such election shall have taken place: Provided always, that no such election in any ward of the said City shall continue more than two successive days, Sundays and Holydays excepted, and that the Candidates who, at the close of the second day, shall be found to have the greatest number of votes shall be declared to be duly elected, by the person presiding at the election, (who shall not be compelled to continue such election during two days, as aforesaid, unless it be necessary so to do,) and provided also, that at every subsequent general or partial election, the Common Councilman for the time being, for the Ward in which such election shall be held, shall preside thereat of course and by virtue of his office, without any special commission for that purpose, and the person so presiding at such election, shall for the purpose of maintaining order and carrying the law into effect, be invested with all the powers granted to Returning Officers at elections for the return of members to serve in the Provincial Parliament.

The Justices
so presiding
not to be
elected.

Penalty on
any Justice of
the Peace re-
fusing to pre-
side, &c.

VIII. Provided always, and be it further enacted by the authority aforesaid, that no Justice of the Peace, presiding at any election as aforesaid, shall be elected in or for any Ward at which he shall so preside; and any Justice of the Peace duly qualified therefor who shall refuse to serve or to preside at any such election, shall, for refusal, incur a forfeiture and penalty of the sum of twenty-five pounds currency, to be recovered and applied as hereinafter provided.

XI.

Oath to be made by persons whose votes are objected to.

IX. And be it further enacted by the authority aforesaid, that when the vote of any person at such election, as aforesaid, shall be objected to or refused, the person whose vote shall have been so objected to or refused, shall not be received or admitted to vote, until he shall have made oath before the person presiding at such election, which oath he is hereby authorized to administer, that he is a Member of the said Corporation, duly qualified according to the intention of this Act, and that the immoveable property on the possession of which the claim to the right of giving such vote shall be founded, shall be then and there described, and any person who shall falsely and knowingly make the oath herein required, shall, on being thereof lawfully convicted, incur and suffer the pains and penalties of wilful and corrupt perjury.

Persons so elected, to meet within a certain time and elect a Mayor, &c.

The Common Council may make bye laws, &c.

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X. And be it further enacted by the authority aforesaid, that the persons who shall have been so as aforesaid elected, shall, within fifteen days next after their election aforesaid, meet at the Court House in the said City of Quebec, in the room in which the Justices of the Peace hold their Special Sessions, and elect a Mayor, and may immediately or as soon thereafter as convenient, proceed in Common Council to the business of the said Corporation, and may then and thereafter from time to time, in Common Council, make such By-Laws, Rules, Regulations and Ordinances as they, or a majority of them may deem necessary for the purposes of this Act, and for the security, cleanliness, comfort and good order of the said City, and for the benefit of the said Corporation, not being repugnant to the Constitution or Laws of this Province, and may also revise, modify, change or rescind the existing Rules, Regulations and Tariffs; Provided always, that no By-law, Regulation or Ordinance, shall have force or effect until the same shall have been made by a majority of the whole Common Council, and shall have been submitted to and confirmed by His Majesty's Court of King's Bench for the District of Quebec in like manner and form as the Rules and Regulations of Police made by the Justices of the Peace for the said District of Quebec, are now by law submitted to and confirmed by the said Court of King's Bench, and published in the English and French languages, for two successive weeks, in two of the newspapers printed and published in the said City of Quebec, whereof one shall be the Quebec Gazette or other newspaper in which official notifications and advertisements of the departments of Government are ordinarily inserted, and also published by the Town Crier in each Ward of the said City: and provided also, that no fine or penalty to be imposed in virtue of such By-laws, Rules, Regulations or Ordinances, shall in any case exceed the sum of five pounds currency, except as hereinafter provided: and provided further, that if the votes of the said Common Council, at any such election of Mayor, shall be equally divided for two or more persons, the names of the said persons shall be submitted to the Justice of the Peace who shall have presided at the election of the Common Council for Saint Lewis Ward, who shall chuse and declare such of the said persons as he shall think most fit to be the Mayor, and such person shall be the Mayor accordingly.

XI.

Salary of the Mayor.

XI. And be it further enacted by the authority aforesaid, that the Mayor of the said City thus chosen; shall be taken and deemed to be the Chief Executive Officer of the said Corporation, and shall be compensated for his services by a salary to be fixed by the Common Council, payable at stated periods, out of the funds of the said Corporation, which salary shall not exceed the sum of one hundred pounds annually, and he shall receive no other compensation or emolument whatever, and no regulations enlarging or diminishing such compensation, shall be made to take effect until the expiration of the year for which the Mayor then in office shall have been elected; and it shall be the duty of the Mayor, to be vigilant and active at all times, in causing the Laws for the Government of the said City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the Government thereof, and as far as in his power to cause all negligence, carelessness and positive violations of duty, to be duly prosecuted and punished: he shall have power, whenever, in his judgment, the good of the said City may require it, to summon meetings of the said Common Council, although the meeting of the said Common Council may stand adjourned to a more distant day: And it shall be the duty of the Mayor, from time to time, to communicate to the said Common Council all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the said City.

His duty, &c.

The Common Council may purchase ground for opening new streets, &c.

XII. And be it further enacted by the authority aforesaid, that an absolute majority of the said Common Council, shall have power and authority, notwithstanding any law, usage or custom to the contrary thereof, to take, purchase and acquire such ground, within the said City, as may by them be deemed necessary for opening new streets, squares and market places or for continuing, enlarging or otherwise improving those streets, squares and market places which are already made or opened, and out of the Assessments raised and levied in the said City, or other ways and means belonging to the said Corporation, to pay therefor such sum or sums of money as may be agreed upon by and between the owner or owners of the said ground and the said Common Council, and in cases where the value of the said ground and the improvements thereon cannot be agreed upon, it shall be ascertained by arbitration; and in cases where the proprietor or proprietors shall be absent or shall not be known, or shall refuse to conclude an arrangement or to appoint an Arbitrator to proceed with the Arbitrator appointed by the Common Council of the City, to estimate the indemnity or value of such ground, the Justices of the Peace in a Special Session, to be for that purpose holden, upon a petition to them addressed, and upon proof that notice in writing was given one month previously to the proprietor or proprietors of such ground, or to his or her or their tutor, curator, administrator, agent or curator *ad hoc*, of the intention of the said Common Council, to present such petition to the said Justices of the Peace, for the purpose of taking possession of such ground, shall summon a Jury of disinterested persons

persons, taken from among the Grand Jurors, summoned for the Court of Quarter Sessions succeeding such notice; and the said jury shall determine upon their oaths, whether it may be necessary to open such street or to continue widen or improve the street already opened in the manner proposed by the said Common Council, and in all cases wherein the said jury shall return that it is necessary to open such street, or to continue widen or improve the same then the said jury shall determine the amount of indemnity which they shall judge reasonable, and upon the payment or legal tender of the sum agreed upon, determined by the arbitrators or adjudged by the jury, to the person interested as aforesaid, or upon the deposit of the said sum in the Office of the Clerk of the Peace, in cases where the persons interested shall not be known or shall be absent or shall refuse to receive the same, the said Common Council shall be legally seized, and be proprietors of such ground, which shall become public property, and the said indemnity or sum to be paid, shall be paid out of the funds of the said Corporation, and the said Common Council shall thereupon obtain from the said Court of Quarter Sessions a Writ of Possession, addressed to the Sheriff of the District, commanding the said Sheriff to put the said Common Council in possession of the said ground. And provided also, that nothing in this Act contained shall extend to authorize the said Common Council to appropriate to their use or to take possession of any ground belonging to any public establishment or religious community or which is held in mortmain.

Public monies raised by assessment which are or may be in the hands of the Corporation to be answerable for the undertakings incurred before the passing of this Act.

XIII. And provided also, and be it further enacted by the authority aforesaid, that the public monies raised by assessment or otherwise, which now are or hereafter shall be in the hands of the said Corporation by virtue of this Act, shall be charged with and answerable for the undertakings which have been made and the debts which have been incurred by the Justices of the Peace of the said City of Quebec, before the passing of this Act, and which are now payable out of or by law chargeable upon the monies raised by such assessment or otherwise and now under the control of the said Justices of the Peace; and provided also, that from and after the expiration of this Act the aforesaid public funds raised or to be raised by assessment and all other property whatsoever, hereby made subject to the control and management of the said Corporation, shall continue to be chargeable with and answerable for the undertakings which shall have been lawfully made and the debts which shall have been lawfully incurred by the said Corporation under the authority of this Act.

The Common Council may borrow money by way of loans.

XIV. And whereas it will tend to the more speedy improvement and embellishment of the said City, to authorize the Corporation thereof to raise money by loans: be it therefore further enacted by the authority aforesaid, that the absolute majority of the said Common Council, shall have power and authority to borrow money from time to time for purposes aforesaid, and to issue notes or bonds payable to the bearer or otherwise, under signature of the Mayor for the time being, and the seal

Such bonds to bear interest.

seal of the Corporation, for securing the repayment thereof out of the funds of the said Corporation; such notes or bonds to bear interest not exceeding six per cent per annum, and such notes or bonds shall and may be transferable and redeemable upon the terms and conditions therein expressed and contained: Provided always, that the sums so borrowed shall not at any time exceed one moiety of the nett proceeds of the revenue raised by assessment or otherwise for the uses of the said City in the preceeding year, and if the said Common Council shall at any time contract a debt exceeding the said sum, then and in that case the members thereof who shall have consented to contract such debt, shall be individually and in their private capacity, jointly and severally responsible for the surplus.

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Oath to be taken by the Common Councilmen.

XV. Provided always, and be it further enacted by the authority aforesaid, that the said Common Council-men and each of them shall, before entering upon the duties of his office in Common Council, make oath before some Justice of the Peace, which oath any Justice of the Peace is hereby authorized to administer, well and truly, to the best of his judgment and skill, to perform and execute his duty according to the true intent and meaning of this Act, and the certificates of such oath shall be recorded in the register and deposited in the archives of the said Corporation, as well as the certificates of election of Common Council-men, which at the first elections are, as above-mentioned, to be transmitted to the Clerk of the Peace.

Certificate of such oath to be filed in the Office of the Clerk of the Peace.

Penalty on persons refusing to serve as Common Councilmen.

XVI. And be it further enacted by the authority aforesaid, that if any person duly elected as aforesaid to serve in the Common Council, shall refuse to serve therein, such person so refusing to serve shall pay the sum of twenty-five pounds currency, which fine shall be applied for the uses of the said Corporation.

Certain persons may claim exemption from serving in the Common Council.

XVII. Provided always, and be it further enacted by the authority aforesaid, that the Members of the Legislative Council and the Assembly, the Members of the Executive Council and the Clergy, the Judges of the Court of King's Bench, the Attorney and Solicitor General, the Surveyor General, the Adjutant General of Militia, the Provincial Secretary and Deputy Post Master General and his Deputies, the Grand Voyer of the District and his Deputies, the Custom-house Officers, the Sheriffs and Coroners, the Clerks and commissioned Officers of the Legislature and Executive Council, the Clerks of the Courts, Physicians and Surgeons, Gaolers, Criers of the Courts and School-masters, and all other persons employed in public offices, may claim exemption from serving in the said Common Council.

New Election of Common Councilmen to replace those retiring.

XVIII. And be it further enacted by the authority aforesaid, that on the first Monday in June of every year, one half of the Members of the said Common Council shall retire by rotation, and shall be replaced by an equal number of Members, at an election to be held in the manner hereinbefore mentioned, public notice of such election

election having been first previously given as hereinbefore enacted, provided that on the first Monday in May, in the year one thousand eight hundred and thirty-two, the two Common Council-men for each of the Wards of the said City, shall draw lots or ballots between themselves. so that one of the Common Council-men for each Ward shall go out of office on the first Monday in the month of June following as herein provided: Provided always, that nothing in this Act contained shall be construed to render the Common Council-men so retiring as aforesaid by ballot, ineligible, or to prevent them from being re-elected to serve in the same Common Council, but that no Common Council-man shall be obliged to serve more than four years in succession; and provided also that the Mayor or President of the said Common Council, when he shall retire from the said office, either by ballot, resignation or otherwise, shall be replaced by another Common Council-man at the first meeting which may thereafter be held by the said Common Council, and any Common Council-man who may die, refuse to serve as aforesaid, or absent himself from the Province for six months, shall be replaced by another public election, previous notice of the same being duly given according to this Act; and that in the event of indispensable absence of the Mayor, by sickness or otherwise, from any of the meetings of the said Common Council, the members present of the said Common Council shall have the power to nominate and appoint a President *pro tempore* to preside at such meeting, who shall, for the purposes of such meeting, be vested with the same powers as are vested in the Mayor by this Act.

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Mayor retiring how to be replaced.

In case of absence of the Mayor another may be chosen *pro tempore*.

A Register of proceedings to be kept.

None of the proceedings to be conducted in secret.

The Corporation not to be dissolved by reason of any omission.

Treasurer appointed to give security.

XXIX. And be it further enacted by the authority aforesaid, that the said Common Council shall cause a Register or Journal of their proceedings to be duly kept, in which the votes of the Common Council-men, on every matter discussed in Common Council, shall be faithfully entered and recorded, as well as all other orders and proceedings of the said Common Council, to which Register or Journal any Member of the said Corporation shall have free access. and shall be entitled to take copies and extracts therefrom without paying therefore any fee or reward whatsoever; and that the proceedings of the said Corporation shall be public with regard to all the Members of the said Corporation.

XX. Provided always, and be it further enacted by the authority aforesaid, that if any thing by this Act required to be done or performed, shall be omitted, or shall not be done or take effect as and at the time herein required, the said Corporation shall not therefore be dissolved, but the same shall continue to exist, and shall with all convenient speed, as soon after such omission as circumstances will admit, comply with the requirements of this Act.

XXI. And be it further enacted by the authority aforesaid, that the Treasurer to be appointed by the said Common Council, shall give good and sufficient security

ity

Such Treasurer and other officers to render their accounts when required.

rity conditioned for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the hands of his successor, and the said Treasurer and all other officers who may be appointed by the said Common Council, shall render their accounts to the same as often as required, and a statement containing the revenue and expenditure of the said Corporation, shall be published by the said Common Council at least once a year in the French and English languages, in one or more of the public newspapers, printed and commonly published in the said languages in the said City of Quebec.

Penalties and forfeitures how recovered.

XXII. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures that may be incurred under and by virtue of this Act, shall and may be sued for and recovered in a summary manner before any two of the Justices of the Peace for the District of Qnebec, in their Weekly Sessions, on the oath of any one credible witness, other than the prosecutor or informer, one half of which fines and forfeitures shall go to the prosecutor or informer, and the other half to the Treasurer of the said Corporation, for the uses thereof.

Savings of His Majesty's Rights, &c.

XXIII. And be it further enacted by the authority aforesaid, that nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, or of any person or persons, bodies politic or corporate, such only excepted as are mentioned in this Act.

Corporation not to interfere with the powers granted to the Corporation of the Trinity House of Quebec.

XXIV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to authorize the said Corporation to interfere with the powers heretofore granted or which shall hereafter be granted by law to the Corporation of the Trinity House in respect of the Port and Harbour of Quebec.

Continuance of this Act.

XXV. And be it further enacted by the authority aforesaid, that this Act and the powers and authorities therein contained and conferred, shall be and remain in full force and effect until the first day of May one thousand eight hundred and thirty-six, and no longer; and the same shall be held and considered as a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and others whom it may concern, without being specially pleaded.

Public Act.