

The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 47 (Session 5)

An Ordinance to repeal certain parts of an Ordinance therein mentioned, and to amend certain other parts of the said Ordinance, and to amend certain parts of another Ordinance therein mentioned, and make further provision for establishing and maintaining an efficient system of Police in the Cities of Quebec and Montreal, and the Town and Borough of Three Rivers.

Whereas it is expedient to repeal certain parts of an Ordinance made and passed in the second year of Her Majesty's reign, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal," and to amend certain other parts of the said Ordinance, and also to amend a certain other Ordinance made and passed in the said second year of Her Majesty's reign, intituled, "An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal;" and to make further provision for establishing and maintaining an efficient system of Police in the Cities of Quebec and Montreal and the Town and Borough of Three Rivers [Trois-Rivières]:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great-Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, "An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;" and it is hereby Ordained and Enacted by the authority of the said acts of Parliament, that so much of the said Ordinance, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal," as vests any power or authority in the Civil Secretary of the Governor of this Province, and so much of the said last mentioned Ordinance as provides for the appointment of fit and proper persons to be Inspectors and Superintendents of the Police for the said Cities, or for either of them, shall be, and the same are hereby repealed.

II. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, it shall be lawful for the Governor of this Province, to nominate and appoint a fit and proper person to be Commissioner of Police for the Province of Lower Canada, to have, hold, exercise and discharge all the powers, authority and duties, in and by the said Ordinance, intituled, "An Ordinance for establishing an efficient system of

Police in the Cities of Quebec and Montreal,” vested in the said Civil Secretary, and in the Inspectors and Superintendents of Police for the said Cities respectively, and to receive and discharge the duties of Commissioner of Police under the said last mentioned Ordinance; and to have, hold, exercise and discharge all the powers, authority and duties in and by the said Ordinance, intituled, “An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal,” extended to and vested in the Inspector and Superintendent of Police to be appointed for the Town and Borough of Three Rivers, together with such neighbouring district of the same, as the Governor shall at any time direct, and to execute the duties of Civil Secretary with reference to the same; Provided always, that the said Commissioner of Police, shall not execute the office of Justice of the Peace, in either of the said Cities of Quebec and Montreal, or in the said Town and Borough of Three Rivers, or swear in the men composing the Police force in the said Cities, or either of them, or in the said Town and Borough aforesaid-

III. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for such Commissioner of Police to be appointed as aforesaid, to receive in the manner hereinafter provided, the sums of money to be raised, assessed and appropriated for the maintenance of a good and efficient system of Police in the City of Quebec, under and by virtue of an Ordinance made and passed in the present Session of the Special Council of this Province, intituled, “An Ordinance to incorporate the City and Town of Quebec,” and to receive the sums of money to be raised, assessed and appropriated for the maintenance of a good and efficient system of Police in the City of Montreal, under and by virtue of an Ordinance made and passed in the present session of the Special Council of this Province, intituled, “An Ordinance to incorporate the City and Town of Montreal.”

IV. And be it further Ordained and Enacted by the authority aforesaid, that so soon as this ordinance shall come into effect, it shall be lawful for the said Commissioner of Police, forthwith, and so from time to time, subject to the approbation of the Governor, to furnish to the respective City Clerks of the said Cities of Quebec and Montreal, a statement or statements or the monies required for the maintenance of a good and efficient system of Police in the said Cities respectively, to be by the said respective City-Clerks laid before the Councils of the said Cities of Quebec and Montreal respectively; and the said Commissioner of Police may by his warrant or warrants, require the respective Councils of the said Cities of Quebec and Montreal, out of the funds of the said Cities respectively, to pay the amounts mentioned in the statement or statements, so to be furnished as aforesaid, and the said Councils of the said Cities respectively, shall thereupon cause the said sum and sums of money in the said warrant or warrants mentioned, to be paid to the said Commissioner of Police through the hands of the City Treasurer, of each of the said Cities respectively, within forty days from the delivery of such warrant or warrants to the City Clerk of each of the said Cities respectively; Provided always, that the sum and sums of money so to be required and received from the said Council of the City of Quebec, for the purposes and in the manner aforesaid, shall not for any one year exceed the sum of four thousand pounds currency, to be paid quarterly, and the application and expenditure thereof shall be accounted for by the

said Commissioner of Police to the said Council of the City of Quebec, on or before the second day of November of each and every year, and that the sum and sums of money so to be required and received from the said Council of the City of Montreal, for the purposes and in the manner aforesaid, shall not for any one year exceed the sum of five thousand pounds currency, to be paid quarterly, and the application and expenditure thereof shall be accounted, for by the said Commissioner of Police, to the said Council of the City of Montreal, on or before the second day of November of each and every year.

V. And be it further Ordained and Enacted by the authority aforesaid, that the Treasurer of the City of Quebec and the Treasurer of the City of Montreal respectively, at the time and times of making payment to the said Commissioner of Police, of any sum or sums of money required and authorized to be paid to him by this Ordinance, for the purposes and in the manner aforesaid, shall deliver to the said Commissioner of Police, a note in writing, signed by the Treasurer, by whom such sum or sums of money shall be so paid, specifying the sum or sums so paid, which note shall be kept by the said Commissioner of Police, as a voucher for his receipt of such particular sum or sums, and the receipt of the said Commissioner of Police, specifying the sum or sums paid to him, by either of the said Treasurers, shall be a sufficient discharge and voucher to such Treasurer, and shall be allowed as such in passing his accounts.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the said Commissioner of Police for the time being, shall give security to Her Majesty in a bond with two sureties, in such sum as the Governor shall direct; such bond to be conditioned for the faithful performance of his duty, by such commissioner of police, and for the due application of all monies paid to him under the ordinances hereinbefore mentioned; and the said commissioner of police for the time being, shall receive all sums of money applicable to the purposes of the said ordinances, and shall keep an exact and particular account thereof, and shall immediately pay all monies, bills and notes by him received under this ordinance, into such Bank in the said Province as the Governor may appoint, and the same shall be placed to an account in the Books of the said Bank, which shall be entitled, "The account of the public monies of the Commissioner of Police of Lower Canada," inserting in the name of the Commissioner of Police for the time being; and the said Commissioner of Police shall draw out of such Bank from time to time, such sums of money as may be necessary for the payment of the salaries, wages and allowances to be paid to the persons belonging to the Police force of the said Cities of Quebec and Montreal respectively, as also for the payment of all other charges and expenses for maintaining a good and efficient system of Police, in the said Cities respectively; and all drafts and orders drawn and signed by the said commissioner of police, shall be a sufficient authority to the said bank to pay the amount thereof to the persons named in them or to the bearer of them.

VII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Governor of the said Province, to appoint by commissions under the Great Seal of this Province, fit and proper persons to be Police Magistrates, to execute the duties of

Justices of the Peace, at the Police Offices and elsewhere, in each of the said Cities, and Stand proper persons as Police Magistrates to execute the duties of Justices of the Peace in the several districts, or other territorial divisions of the said Province; which said Police Magistrates, before entering upon or commencing the exercise of their office shall, in the usual and accustomed manner, take the oath by law required to be taken by Justices of the Peace, and shall swear in the men appointed as a Police force for the said cities, and for the said districts or other territorial divisions of the said Province respectively, as constables for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall have, within the said districts or other territorial divisions of this Province, all such powers and authorities, privileges and advantages, and shall be liable to all such duties and responsibilities as any constable duly appointed has now or hereafter may have under and by virtue of the laws of this Province or of any statute or ordinance made or to be made, and shall obey all such lawful commands as they may from time to time receive from the said commissioner of police, for conducting themselves in the execution of their office.

VIII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for any one of the said Police Magistrates so to be appointed, as aforesaid, to do alone any act which by any law now in force, or by any law not containing an express enactment to the contrary, hereafter to be made, is, or shall be directed to be done by more than one Justice of the Peace.

IX. And be it further Ordained and Enacted by the authority aforesaid, that where by any law or ordinance now in force, or by any law or ordinance not containing an express enactment to the contrary hereafter to be made, any act is directed or authorized to be done by a Justice or Justices of the Peace residing in any parish, township or county, where any offence or matter cognizable before him or them shall be committed, or shall arise, the same jurisdiction may be exercised by any one of the said Police Magistrates so appointed as aforesaid.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said ordinance, intituled, "An Ordinance for establishing an efficient system of police in the cities of Quebec and Montreal" as hereby amended, and the said ordinance, intituled, "An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of police in the cities of Quebec and Montreal," as hereby amended, shall not, nor shall either of them, expire on the first day of November, in the year one thousand eight hundred and forty-two, but shall be, and they are hereby made permanent and so shall continue in full force and effect until repealed or altered, by competent authority.

XI. And be it further Ordained and Enacted by the authority aforesaid, that the word "Governor," shall be taken and held to mean and comprehend as well the Governor as the Lieutenant Governor, and person administering the Government of this Province for the time being.

XII. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance, save and except so much thereof as is contained in the third, fourth, fifth and sixth clauses thereof shall be and remain a permanent law in full force and effect until it shall be repealed or altered by competent authority; provided always, that so much of the said ordinance as is contained in the said third, fourth, fifth and sixth clauses thereof shall be and continue in full force and effect until the first day of October in the year one thousand eight hundred and forty-three, and no longer.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-sixth day of June, in the fourth year of the Reign of Our Sovereign. Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.