

The Provincial Statutes of Lower-Canada, Being the Second session of the Third Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1802.

42 George III – Chapter 8

An Act to provide for the more effectual regulation of the Police, within the Cities of Quebec and Montreal and Town of Three Rivers; also for extending Regulations of Police to other Towns and Villages, in certain Cases, and for repealing the Acts or Ordinances therein mentioned. (5th April, 1802.)

Whereas the Rules and Orders, heretofore made, touching the Police, have not been productive of the benefits thereby intended, and Whereas it is expedient that more ample provision be made, for obtaining such benefits in future, and for securing a speedy decision upon complaints relative to breaches thereof. 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 of 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," and it is hereby enacted by the authority of the same, that the Justices in their General Quarter Sessions of the Peace, for the Districts of Quebec, Montreal and Three Rivers [Trois-Rivières], respectively, shall be and they hereby are authorized and empowered, from time to time, to frame such Rules and Orders, and with such Fines and Penalties for the breach thereof, as shall be judged requisite and proper, for the Regulation of the Police of the respective Cities of Quebec and Montreal and Town of Three Rivers; and also, from time to time, to alter and amend the same, and all such Rules and Orders, when so framed or so altered or amended, shall before having effect, be submitted to the inspection and revisal of the Justices of the Court of King's Bench, in the said Districts, respectively, who are hereby authorised and required in Term and during the sitting of the said Courts, to confirm or reject the same, and when so framed and confirmed, and duly published as herein after provided, shall be binding and obligatory upon all and every person or persons, within the City or Town, where they are intended to have operation. Provided always, that every such Rule and Order before it shall have effect, shall be publicly proclaimed in the City or Town, to which the same shall have reference, by the common Cryer or Bellman and also be posted up; and that no fine or penalty thereby imposed, shall exceed the sum of Five Pounds current money of this Province, except in the case where an addition thereto, may arise by reason of the expence of performing any service or work, as herein after is mentioned. And Provided also, that no such Rule or Order, shall be repugnant to any Law of this Province, nor to the Duties of any of the public Officers thereof.

II. And be it further enacted by the authority aforesaid, that such Rules and Orders for the regulation of the Police, within the Cities of Quebec and Montreal, as shall be in force at the

commencement of any year, during the continuance of this Act, and shall not before have been printed, shall, annually, within the Month of January, be published in the News Papers printed in the said Cities respectively.

III. And be it further enacted by the authority aforesaid, that whenever a majority of the Householders in any Town or Village, within this Province, consisting of not less than thirty inhabited Houses, within the space of fifteen Acres square, Shall apply to the Court of General Quarter Sessions of the Peace, for the District wherein it may be situated, for the establishment of Regulations of Police for such Town or Village, it shall and may be lawful for the Justices in their said Sessions, and they are hereby authorised and required, to frame Rules and Orders, with proper Fines and Penalties for that purpose, and afterwards to alter and amend the same, from time to time, as may be necessary and fit. And for the Justices of the Courts of King's Bench of the District or any two of them, to confirm or reject the same, in the manner herein before prescribed, for the Cities of Quebec and Montreal, and Town of Three Rivers, and such Rules and Orders, when so framed and so approved or amended, shall be publicly proclaimed and posted up in the Town or Village to which they, respectively, shall have reference, and afterwards, shall be binding and obligatory upon all and every person or persons within the same.

IV. And be it further enacted by the authority aforesaid, that in every case where any person, after twenty four hours notice, in writing left at the dwelling house of such person, shall refuse or neglect to do or cause to be done, any service or work regarding the Police, which by any Rule or Order made and approved as aforesaid, he or she may be required to do, it shall and may be lawful, for any of the Justices before whom the complaint shall have been brought, to direct the Surveyor of Roads or a Constable, to employ some other person, for a reasonable consideration, to perform such service or work so refused or neglected to be done; and the person who shall have disobeyed such Rule or Order, shall, over and above the penalty annexed to the breach of the same, pay such reasonable sum as shall have been allowed to the person who performed the service or work, in his or her stead, which additional sum shall be levied in like manner, as herein after is provided, in respect to the penalties for offences against this Act.

V. And Whereas it would have a beneficial effect, if a fund of greater extent than hitherto has been applicable to such purposes, were established for the furtherance of objects of Police and improvement, within the Cities of Quebec and Montreal. Be it therefore further enacted by the authority aforesaid, that out of the monies raised by assessment, within each of the said Cities, it shall and may be lawful for the Justices within the same, respectively, to apply annually, (instead of the thirty Pounds heretofore applicable for such purposes) a sum not exceeding in the whole, one hundred Pounds currency, to such objects of Police and improvement within the same, as from time to time, shall be agreed upon and authorised by the said Justices at any General Quarter Sessions of the Peace, or at any Special Sessions, convened for the purpose within the said Cities, respectively; which monies shall be payable by the Road Treasurer, in the same manner and form as is directed, in regard to the other monies in his hands, arising from assessment.

VI. And be it further enacted by the authority aforesaid, that the Rules and Orders of Police to be made in pursuance of this Act, shall have force and continuance, for twelve Months, from and after the date when the same respectively shall have been confirmed, by the Justices of the Court of King's Bench, and from thence until the end of the then next Superior Term of the said Court, for the District, unless, sooner altered or amended, in conformity to this Act.

VII. And be it further enacted by the authority aforesaid, that Penalties incurred for offences against any of the Rules, Orders and Regulations of Police, touching the Cities of Quebec and Montreal and Town of Three Rivers, which shall be established by authority of this Act, shall be prosecuted for and recovered, together with the reasonable costs of such prosecution, before any two of His Majesty's Justices of the Peace of the District, wherein the offence shall have been committed, in the Weekly Sittings of such Justices, as directed by law to be held at the said Cities of Quebec and Montreal and Town of Three Rivers, or in Special Sittings thereof, which may be called for the purpose, where the matter may require a more prompt decision, or if regarding any other Town or Village within this Province, consisting of not less than thirty inhabited Houses, within the space of fifteen Acres square where Regulations of Police shall be established, before any two Justices of Peace of the District, and all and every the aforesaid Justices are hereby authorised and empowered, to hear and determine all causes and complaint, touching and respecting the Regulations of Police to be made as aforesaid, in a summary manner, on proof of the offence, either by voluntary confession of the party or parties accused, or by the oath of one or more credible Witness or Witnesses, other than the informer, which oaths all and every of the said Justices, are hereby empowered to administer, and one moiety of every such penalty, shall belong to the informer, and the other moiety to be paid to the Road Treasurer to be applied to the purposes of this Act, and in all cases of non-payment of any Judgment to be awarded, by any of the Justices as aforesaid, the same shall be levied by distress and fate of the offender's goods and chattels, by Warrant under the hands and seals of the Justices, before whom the offence shall have been prosecuted, directed to a Constable or Peace Officer; and the overplus of the money raised, after deducting the Penalty and Costs, shall be returned to such offender.

VIII. And be it further enacted, that in all Actions, Prosecutions, Causes and Proceedings, relating to or concerning the execution of this present Act or of any Order or Regulation to be made in virtue of the same, any inhabitant residing within any City, Town, Place or District in this Act mentioned or described, shall be a competent Witness, and be admitted to give evidence upon any Action or Prosecution as aforesaid, notwithstanding such inhabitant is charged with or liable to pay any rate or perform any duty or service, by virtue or under the authority of this Act.

IX. And be it further enacted, that on all and every Judgment to be made by any Justices, at their Weekly or Special Sessions, it shall and may be lawful to appeal thencefrom, to the Justices in the Court of Quarter Sessions of the Peace of the District, where such Judgment

may be made, upon which appeal the full merits of the original complaint may be heard and adjudged. Provided always, that the appellant, shall before the allowance of any appeal, as aforesaid, give good and sufficient security, to pay the amount of the Judgment appealed from and Costs, as well on the original complaint, as upon the appeal.

X. And Be it further enacted, that no Person shall be liable to any prosecution or Judgment, for the breach of any Order of Police, to be made in virtue of this Act, after one Month from the aforesaid breach, nor shall any appeal be granted, after one Month from the date of the Judgment made.

X. And be it further enacted, by the authority aforesaid, that it shall be the duty of the Surveyor of Highways, Streets and Bridges, within the Cities and Parishes of Quebec and Montreal, respectively, and of the Constables within the said Cities and Town of Three Rivers, respectively, and of the Surveyor and Overseers, respectively, of Road in any Town or Village within this Province, consisting of not less than thirty inhabited Houses, within the space of fifteen Acres square, to obey such Orders as they may receive, from the Justices of their Districts, or of any two of them, touching the carrying into execution, the Rules and Orders of Police established by authority of this Act, and more particularly the prosecution for offences against the same.

XII. And be it further enacted, by the authority aforesaid, that an Act or Ordinance passed in the seventeenth year of His present Majesty's Reign, intituled; "An Ordinance to empower the Commissioners of the Peace to regulate the Police of the Towns of Quebec and Montreal for a limited time," And also an Act on Ordinance passed in the thirty first year of His present Majesty's Reign, intituled, "An Act to continue and amend an Act passed in the seventeenth of His Majesty's Reign, intituled, 'An Ordinance to empower the Commissioners of the Peace to regulate the Police in the Towns of Quebec and Montreal for a limited time,'" be, and the same and each of them, is and are hereby repealed. Provided always, that the Rules and Orders of Police, now in force, under those or either of those Acts or Ordinances, shall have the same force and effect, as if this Act had not been made, from and after the passing of the same, until the end of the next General Quarter Sessions of the Peace for the District, where such Rules and Orders, respectively, have effect, and from thence, to the end of the then next Superior Term of the Court of King's Bench, for the said District, and no longer, any thing herein contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, that this Act shall have continuance and be in force, until the first day of January, which will be in the year one thousand eight hundred and seven, and from thence to the end of the then next Session of the Provincial Parliament and no longer.