

The Provincial Statutes of Lower-Canada, Being the first session of the ninth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1817.

57 George III – Chapter 16

An Act more effectually to provide for the Regulation of the Police in the Cities of Quebec and Montreal, and the Town of Three-Rivers, and for other purposes therein mentioned. (22 March, 1817.)

Whereas the Rules and Orders heretofore made, touching the Police, and also those for the government of Apprentices and others, have been productive of much public benefit; and it being expedient and right, that the same be continued, and more ample provision made for extending the benefits arising from a well regulated Police; 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 more effectual provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that the Justices of the Peace in their General Quarter Sessions of the Peace for the districts of Quebec, Montreal, and Three-Rivers [Trois-Rivières] respectively, shall be, and they are hereby 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, 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 and 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 authorized in term and during the sitting of the said Courts, whether civil or criminal, to confirm or reject the same; and the same, 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 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 expense of performing any service or work as herein-after 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. Provided always and be it further enacted by the authority aforesaid; that before any such rule or order shall have effect, as aforesaid, a copy thereof, in French and English, shall be affixed and posted up on the door of the Parish Church of the cities of Quebec and Montreal, and town of Three-Rivers respectively, and in such public places, and published in such newspapers printed in the said cities respectively, as the said Justices of the Peace shall order; and that the said rules shall not have any force until ten days after the publication thereof; and that when such rules and orders so made, altered or amended, shall have been published as aforesaid, due proof of such publication shall be made by

affidavit, or the viva voce examination of witnesses, or otherwise, to the satisfaction of two or more of the Justices of His Majesty's Court of King's Bench for the said districts of Quebec or Montreal respectively, or of the Provincial Judge of His Majesty's Court of King's Bench for the district of Three-Rivers, who shall respectively thereupon, cause an entry to be made of record in His Majesty's Court of King's Bench for the said districts of Quebec, Montreal, and Three Rivers respectively, that such proof of publication was so made, and indorse upon, or subscribe to a copy of such rules or orders so made, altered, or amended, a certificate, that such proof has been so made of the publication thereof and that after such entry on record, and the granting of such certificate as aforesaid it shall not be necessary in any case to make proof of the publication of such rule or order, but that such entry on record, shall in all cases stand, and be deemed and taken to be conclusive and public proof of such publication, without giving the same in evidence, upon any prosecution founded on such rules or orders or other occasion whatsoever.

III. And be it further enacted by the authority aforesaid, that in every case where any person or persons, after twenty-four hours notice in writing left at the dwelling house of such person or persons, shall refuse, or neglect to do, or cause to be done, any service or work, which by any rule or order made, approved and published as aforesaid he, she or they may be required to do, it shall and may be lawful for any of the Justices of the Peace, before whom the complaint shall be 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, her or their 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.

IV. And whereas it would have been beneficial, 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 of the Peace, within the same respectively, to apply annually, (instead of the thirty pounds heretofore applicable to 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 authorized by the said Justices of the Peace, at any General Quarter Sessions of the Peace or at any Special Session 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 other monies in his hands arising from assessment.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the Surveyors of Highways, Streets and Bridges within the Cities and Parishes of Quebec and Montreal respectively, to obey such orders as they may receive from the Justices of the Peace of the said Cities respectively, or any two of them, touching the carrying into execution the rules and orders of Police established by and under the authority of this Act, and especially touching the prosecution of offenses against the same, and it shall be the duty of the said Surveyors, to prosecute for the punishment offenses against the said rules.

VI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace, and they are hereby authorised in the terms of the General Quarter Sessions of the Peace, held in the Districts of Quebec, Montreal and Three-Rivers respectively, to make rules and regulations to restrain, rule and govern the Apprentices, Domesticks, hired Servants and Journeymen within their respective Districts, and also to make rules and regulations for the conduct of Masters and Mistresses, towards their said Apprentices, Domesticks, hired Servants and Journeymen; which said rules and regulations shall not have force and effect, until they shall have been approved by the Judges of the Court of King's Bench or any two of them for the Districts of Quebec, Montreal and Three-Rivers respectively. Provided always, that nothing herein contained, shall be understood to give power or authority to the said Justices of the Peace in virtue of the rules and regulations which they are hereby authorised to make as aforesaid, to inflict upon the said Masters or Mistresses a penalty exceeding ten Pounds, current money of this Province; and upon the said Apprentices, Domesticks, hired Servants and Journeymen, for the breach or contravention by them committed against the said rules and regulations, a greater fine than ten Pounds, current money of this Province, or two months imprisonment in the House of Correction in the respective Districts aforesaid. And provided also, that the said rules and regulations shall be subject to the same formalities, rules and provisions as are prescribed respecting the Rules of Police.

VII. And be it further enacted by the authority aforesaid, that the mode of proceeding in all cases of complaint respecting the said Apprentices, Domesticks, hired Servants and Journeymen, and their Masters and Mistresses, shall be by summons to cause the party complained of to come before the said Justices of the Peace to answer the complaint, except where the party complaining shall make oath before a Justice of the Peace, that he or she has reason to believe that the person complained of, being his or her Apprentice, Domestick, hired Servant or Journeyman duly bound or hired, is about to leave the Town, to desert or secrete himself, or has in fact left the House or the Town, or has already deserted or secreted himself; in which case, it shall be lawful for the Justice of the Peace, before whom such oath has been made, to grant his warrant for the apprehending and holding to bail, such Apprentice, Domestick, hired Servant or Journeyman, until the parties can be heard and the matter complained of, determined: which hearing and determination in cases of arrest shall not be delayed longer than forty-eight hours from the time the person so arrested, shall be brought before the Justice of the Peace, unless a longer time shall be granted, at the request of either party, for the production of proof or other sufficient cause, to be allowed by the Justice of the Peace, before whom the complaint shall be brought. And in case the said Apprentice, Domestick, hired Servant or Journeyman, so apprehended, shall not offer bail for his or her appearance to answer to the said complaint, it shall be lawful for any one Justice to commit him or her to the Common Goal for safe custody, until he or she find bail, or until the cause be heard and determined, any law, usage or custom to the contrary in any wise notwithstanding.

VIII. And whereas it would be extremely useful to the public to have a weigh House and Machinery for the weighing of Hay brought to the market for sale, or otherwise within the City and suburbs of Montreal. Be it therefore further enacted by the authority aforesaid, that it shall and may be lawful for the Justices of the Peace of the District of Montreal residing within the City and Suburbs thereof, out of the monies arising from the rents of the Butchers and covered stalls within the said City, to erect or

cause to be erected in some convenient place within the said City, or Suburbs, at the discretion of the said Justices of the Peace, a House or Shed with a proper and convenient Machine for weighing hay, by the load or otherwise, including the carriage.

IX. And be it further enacted by the authority aforesaid, that the Justices of the Peace of the said District of Quebec and Montreal are hereby authorised and required in their General Quarter Sessions or Special Sessions, to make such regulations for the government of the Hay Market in the said Cities of Quebec, and Montreal, the weighing of all hay brought thereto and sold there, and all hay sold by the hundred bundles or any larger or smaller number of bundles, and also the rate or price to be taken for weighing hay at the aforesaid Weigh-house, and by whom the same shall be paid and such other regulations, as may be found necessary and useful respecting the same.

X. And whereas the pernicious vice of Gaming has become extremely prevalent in Public Houses in this Province, to the evil example of the rising generation and the ruin of Individuals. Be it therefore further enacted by the authority aforesaid, that from and after the passing of this Act, if any person licensed to sell Spirituous Liquors by retail or to keep a House of Public entertainment within this Province, shall knowingly suffer any gaming in any house, out house, apartment or ground belonging to or in his or her occupation for money, liquor or otherwise either with Cards, Dice, Draughts Shuffle board, Skittles, Nine Pins or with any other implement or in any other manner of gaming, by any Journeyman, Apprentice, Labourer or Servant, and shall be convicted thereof on the confession, or by the Oath of one credible Witness, before one Justice of the Peace, if in the Villages or Country Parishes within fifteen days after the offence committed, or before the Justices of the Peace in their Court of weekly sittings, if in the Cities of Quebec, or Montreal or Town of Three-Rivers, such person or persons so offending, shall forfeit and pay for the first offence the sum of forty shillings current money of this Province, and for the second offence the sum of five pounds current money of this Province, and be deprived of his, her or their Licence; and also, of being incapable of obtaining a licence to retail Spirituous Liquors or to keep a House of Public Entertainment for the space of one year; and if any Journeyman, Labourer, Servant or Apprentice, shall game in any of the places or in the manner aforesaid, and shall be convicted thereof, before any Justice of the Peace in the Villages or Country Parishes, or by any Justice of the Peace in the Villages or Country Parishes, or before the Justices of the Peace in their Court of weekly sittings in the Cities of Quebec or Montreal, or Town of Three-Rivers, by the oath of one credible witness or by confession, he shall forfeit and pay for every such offence a sum not exceeding twenty shillings current money of this Province, and not less than five shillings, current money of this Province, and in default of payment of such fine or penalty within six days, such Journeyman, Labourer, Servant or Apprentice shall be committed to the House of Correction for a space of time not exceeding eight days in discharge of such fine or penalty as aforesaid. Provided always, that nothing in this Act contained, shall be construed or intended to alter or in any wise change or interfere with the provisions or clauses of an Act passed in the forty first year of His present Majesty's Reign, intituled "An Act for granting to His Majesty a duty on licencing Billiard Tables for hire, and for regulating the same."

XI. And be it further enacted by the authority aforesaid, 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 of or under the authority of this Act.

XII. And be it further enacted by the authority aforesaid, that upon all and every judgment to be made by any Justices of the Peace at their weekly or special sessions, it shall and may be lawful to appeal therefrom to the Justices of 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 before the allowance of any appeal as aforesaid, shall give good and sufficient security to pay the amount of the judgment appealed from, and costs as well on the original complaint, as in the appeal.

XIII. And be it further enacted by the authority aforesaid, that all penalties incurred for offences against this Act or any of the Clauses thereof, (those cases which may occur in the Villages or Country Parishes excepted) and against any of the rules, orders or regulations of Police within the Cities of Quebec and Montreal, and Town of Three-Rivers, or against any of the rules, orders and regulations concerning Apprentices, Domesticks, hired Servants or Journeymen or their Masters or Mistresses, which shall be established by authority of this Act, shall be prosecuted for and recovered 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 of the Peace as directed by Law to be held in the 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 and the aforesaid Justices of the Peace are hereby authorized and empowered to hear and determine all causes and complaints touching and respecting the regulations of Police, or against any of the rules, orders or regulations concerning Apprentices, Domesticks, hired Servants or Journeymen, or their Masters or Mistresses 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 oath all and every of the said Justices of the Peace are hereby empowered to administer; and one moiety of every such penalty, shall belong to the informer, and the other moiety 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 sum shall be levied by distress and sale of the offender's goods and chattels by warrant under the hands and seals of the Justices of the Peace 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.

XIV. And whereas it expedient and proper to provide for the payment of costs on summary proceedings before His Majesty's Justices of the Peace out of Session or at any Weekly Session or upon Appeals to the General Quarter Session thereupon by virtue of this Act; Be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Justices of the Peace for the said Districts of Quebec, Montreal and Three-Rivers respectively, before whom any such case may have been heard and determined, to award the costs which either of the parties shall have to pay the other as they shall judge fit; and in case any person against whom any such costs shall be awarded, by any such Justice or Justices of the Peace or by such Court of Quarter Session, shall not pay such costs, within

seven days next, after the same shall have been so awarded as aforesaid, it shall and may be lawful to and for any such Justice or Justices of the Peace whether in or out of Session, to issue such execution for the same as is herein-before directed, with regard to such pecuniary fines, penalties or forfeitures as may be inflicted by virtue of this Act.

XV. And be it further enacted by the authority aforesaid, that no person or persons whatsoever shall be liable to any prosecution for the breach of any rule, or order for the regulation of the Police or rule, order or regulation concerning Apprentices, Domesticks, hired Servants or Journeymen, or their Masters or Mistresses, within the Cities of Quebec or Montreal or the Town of Three-Rivers respectively, unless such prosecution shall be actually commenced within one calendar month next after the commission of the offence, or to any prosecution for the breach of any other rule or order which may be made under or by virtue of this Act, unless such prosecution shall be actually commenced within two calendar months next after the commission of the offence.