

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 123

An Act to authorize the Corporation of the City of Quebec to establish a Police force for the said City. Assented to 10th June, 1857.

Whereas it is expedient to establish a Police force in the City of Quebec to act under the sole control and direction of the Council of the said City: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall be lawful for the Council of the City of Quebec to establish and regulate a Police force for the said City, and for that purpose the said Council may from time to time as occasion shall require, appoint a sufficient number of fit and able bodied men as a Police force for the said City, who shall be sworn before the Mayor or some one of the Councillors of the said City to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall, not only in the City of Quebec but also within the whole District of Quebec, have all such powers and privileges (and be liable to all such duties and responsibilities) as any constable or peace officer now has or may hereafter 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 management of the said Police force as to the said Council may seem needful and proper; and the said Council shall further make rules and regulations for the governing, regulating, arming, clothing, lodging and paying the officers and men of the Police force 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 Police force, so as to prevent any neglect of duty or abuse of power, on the part of the members composing the said force; and the said officers and men so to be appointed, shall obey all such lawful commands as they may receive from the said Council, from the Mayor of the said City, or from any one or more of the Councillors of the said City duly authorized to that effect by the said Council; and any officer or officers so to be appointed shall, during his appointment, have not only all the powers and privileges of a policeman appointed under this Act, but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council or by the Mayor of the said city, or by any one or more of the Councillors of the said city duly authorized to that effect by the said Council; and the said Council, the Mayor of the said city, or any member or members of the said Council duly authorized to that effect by the said Council, may at any time suspend or dismiss any officer or policeman appointed under authority of this Act, whom 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 Police force shall have such powers, in relation to the government, control, dismissing or suspending of the Policemen so to be appointed, as the said Council may think proper, by a By-law in that behalf, to give to the said Officers respectively; Provided always, that when any Officer or Policeman shall be dismissed or shall be discharged from the said Police force, he shall cease to belong to the said Police force,, and all powers vested in him, by virtue of this Act, shall cease and determine; Provided also, that no Officer or

Policeman shall leave or abandon the Police force unless he be duly discharged or dismissed therefrom, or his term of service be expired.

II. It shall be lawful for any Officer or Policeman during the time of his being on duty, to apprehend all loose, idle, and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of any evil designs, and all persons whom he shall find lying in any field or highway, yard or other place, or loitering therein, and not giving a satisfactory account of themselves, and to deliver any person so apprehended into the custody of the Officer or Policeman appointed under this Act who shall be in attendance at the nearest police station or watch house, in order that such person may be secured until he can be brought before the Recorder's Court of the said City, to be dealt with according to Law, or may give bail to such Officer for his appearance before the said Recorder's Court or before the said Recorder, if such Officer shall think fit so to do.

III. In addition to the powers and authority conferred by the preceding sections of this Act on the said police force, it shall and may be lawful for any officer or policeman of the said force, by day as well as by night, to arrest on view any person offending against any of the By-laws, Rules and Regulations of the said City of Quebec, or of the Council thereof, the violation of which is punishable with imprisonment; and it shall and may be lawful also for any such officer or policeman to arrest any such offender against any such By-law, rule or regulation, immediately or very soon after the commission of the offence, upon good and satisfactory information given as to the nature of the offence, and the parties by whom committed; and all persons so summarily arrested shall be forthwith conveyed for trial before the Recorder's Court if then sitting, or if not, then before the said Recorder that bail or recognizance may be taken by the said Recorder that the parties shall appear at the next sitting of the said Recorder's Court, to answer the charge or plaint preferred against them and for which they may have been so arrested as aforesaid; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof before the said Recorder's Court, as recognizances taken before a Justice of the Peace and estreated before the General or Quarter Sessions of the Peace for the District of Quebec: Provided that nothing herein contained shall prevent the persons so summarily arrested as aforesaid, from being at once examined and tried when taken as aforesaid before the said Recorder's Court.

IV. If any officer or policeman to be appointed as aforesaid, shall be guilty of any neglect of duty or disobedience of any lawful order given to him by the said Councillor by the Mayor, or any Councillor or Councillors of the said City duly authorized to that effect by the said Council of the City of Quebec, he 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 Recorder's Court shall in its discretion think meet.

V. If any person shall assault or resist any officer or policeman 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 the Recorder's Court of the said City of Quebec, shall for every such offence forfeit and pay such sum, not exceeding five pounds, and be liable to such imprisonment not exceeding thirty days, as the said Recorder's Court may adjudge; Provided always, that nothing herein contained shall prevent any prosecution, by way of indictment, against any person so offending, but so that such

person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

VI. Nothing in this Act contained shall be construed to abridge or interfere with the duties, powers, authorities or jurisdiction of any Inspector or Superintendent of the Police, or of any member or members of the Police force of the said City appointed or to be appointed by the Governor of this Province, under and in virtue of the provisions of the Ordinance made and passed by the Governor General and Special Council for the affairs of the Province of Lower Canada, in the second year of Her Majesty's Reign, and intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, but the same shall be continued to be executed and exercised as if this Act had not been passed.

VII. The nineteenth sub-section of the fifty-first section, and the sixty-ninth section of the Act of the Legislature of Canada, passed in the eighteenth year of Her Majesty's Reign, intituled, *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*, shall be and they are hereby repealed.

VIII. So much of the third section of the Act of the Legislature of Canada passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide a remedy against the Corporation of the City of Quebec in case of injury to property by any mob or during riots in the said City*, as enacts that the Police Force appointed and sworn at Quebec under the provisions of the Ordinance, intituled, *An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal*, shall, from and after the passing of that Act, be under the exclusive control of the Mayor and Councillors of the said City of Quebec, — shall be and is hereby repealed.

IX. This Act shall be held and taken to be a Public Act.