

## CAP. CLIX.

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.

[Assented to 30th May, 1855.]

Preamble.

3 & 4 V. c. 35.

4 V. c. 31.

8 V. c. 60.

9 V. c. 22.

WHEREAS it has become expedient and necessary to amend and consolidate the provisions contained in a certain Ordinance of the Legislature of the Province of Lower Canada, made and passed in the Session held in the third and fourth years of Her Majesty's Reign, intituled, *An Ordinance to incorporate the City and Town of Quebec*; and in a certain other Ordinance of the Legislature of the said Province, made and passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Quebec*; and also in a certain Act of the Legislature of this Province, made and passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend the Ordinances incorporating the City of Quebec*; and also in a certain Act of the Legislature of this Province, made and passed in the ninth year of Her Majesty's Reign, intituled, *An Act further to amend the Ordinances incorporating the City of Quebec, and for other purposes*, and to vest more ample powers in the Corporation of the said City and Town: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows :

Inhabitants of Quebec to remain incorporated.

Corporate name and powers.

I. The inhabitants of the said City and Town of Quebec, and their successors, inhabitants of the same, incorporated under the said Ordinance herein first mentioned, shall continue to be and shall be, as provided in and by the said Ordinance herein first mentioned, a body corporate in fact and in name, by and under the name, style and title of *The Mayor, Councillors and Citizens of the City of Quebec*, and as such shall have perpetual succession and a common seal, with power to break, renew, change and alter the same at pleasure, and shall be capable of suing and being sued, and of impleading and being impleaded in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming

becoming a party to contracts, and for granting and accepting any bills, bonds, judgments, or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or the performance or securing the performance of any other duty, matter or thing whatsoever.

II. As well the tract of land which in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing date the seventh day of May, in the year of our Lord one thousand seven hundred and ninety-one, is described as being comprehended within the City and Town of Quebec, and which it was declared by the said Proclamation should be thenceforward called by that name, as well as all land extending to low water mark of the River St. Lawrence, in front of the said City and Town, together with the bed of the River St. Charles, opposite the said City, adopted at high water mark of the northern side of the said River, from the prolongation of the line from St. Ours Street, to the westerly line of the Nuns of the Hotel-Dieu's farm, thence, running southward, along the said line about five hundred and fifty feet, to the southern extremity of a pier erected on the said farm, at low water; Thence, running due East, about eight hundred feet, to the intersection of the line limiting the Beach grants of the Seignior of Notre-Dame Des Anges, at low water; and finally, thence, along the said Beach line, running North forty degrees East, to the intersection of the prolongation of the Commissioners' line for the Harbour of Quebec, and thence, following the said Commissioners' line, to the westerly line of the City,—shall, from and after the passing of this Act, constitute and be and be called the City of Quebec: And all wharves, piers, and other erections, made or to be made in the said River St. Lawrence opposite to or adjoining the said City and Town, though beyond the low water mark of the said River, and extending as far as the aforesaid Commissioners' line, and beyond the same, should it be hereafter extended, shall be held and considered to be within the limits of the said City.

Boundaries of  
the City of  
Quebec.

III. For the purposes of this Act, the said City of Quebec shall be and is hereby divided into eight wards, to be called respectively, St. Lewis Ward, Palace Ward, St. Peter's Ward, Champlain Ward, St. Roch's Ward, Jacques Cartier Ward, St. John's Ward and Montcalm Ward.

City divided  
into Wards.

IV. The boundaries and limits of the said Wards shall be as follows, that is to say:

Boundaries of  
Wards.

1st. Saint Lewis Ward shall comprise all that part of the Upper Town within the fortifications, and south of a line drawn from Prescott Gate to St. John's Gate, along the middle of Mountain

St. Lewis  
Ward.

Mountain Street, Buade Street, Fabrique Street, and St. John's Street ;

Palace Ward. 2nd. Palace Ward shall comprise all that part of the Upper Town within the fortifications, and not included in St. Lewis Ward ;

St. Peter's Ward. 3rd. Saint Peter's Ward shall comprise all that part of the Lower Town, bounded on the south by a line drawn in the middle of Sous-le-Fort Street, and prolonged in the same direction to low water mark in the River St. Lawrence at the one end, and to the cliff below the Castle of St. Lewis at the other, and on the west by the eastern limits of the Parish of St. Roch, together with all wharves, piers and other erections opposite to this part of the Lower Town, although built beyond the low water mark in the said River ;

Champlain Ward. 4th. Champlain Ward shall comprise all that part of the Lower Town lying between St. Peter's Ward and the limits of the said City, together with all wharves, piers, and other erections, opposite to this part of the said Lower Town, although built beyond the low water mark in the said River ;

St. Roch's Ward. 5th. Saint Roch's Ward shall comprise all that part of the Parish of St. Roch which lies within the limits of the said City of Quebec, on the north-west side of a line drawn in the middle of St. Joseph Street, from one end to the other ;

Jacques Cartier Ward. 6th. Jacques Cartier Ward shall comprise all that part of the Parish of St. Roch which lies within the limits of the said City of Quebec not comprised in St. Roch's Ward ;

St. John's Ward. 7th. Saint John's Ward shall comprise all that space bounded by Jacques Cartier Ward, the fortifications, the limits of the said City on the west, and a line drawn in the middle of St. John Street from St. John's Gate to the western limits of the City ;

Montcalm Ward. 8th. Montcalm Ward shall comprise all that space bounded by the fortifications on the east, and on the west by the City limits, on the north by St. John's Ward, and on the south by the *Cime du Cap* of the St. Lawrence.

Mayor and Councillors to be elected. V. There shall be elected, from time to time, in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Quebec, and a certain number of fit persons who shall be and be called Councillors of the said City, and such Mayor and Councillors for the time being shall be and be called the Council of the said City.

Qualifications for Councillors and Assessors. VI. No person shall be capable of being elected a Councillor of the said City of Quebec, unless he shall have been a resident

resident householder within the said City for one year next before such election, nor unless he shall be seized or possessed to his own use of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of five hundred pounds currency; and no person shall be capable of being appointed an Assessor for the said City unless he be seized or possessed to his own use of real or personal estate, or both, within the said City, after payment of his just debts, of the value of two hundred and fifty pounds currency.

VII. No person shall be capable of being elected Mayor or Councillor of the said City of Quebec, or of voting at any election of City Officers, who shall not be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor shall any person be capable of voting or being elected at any such election who shall have been attainted for treason or felony in any Court of Law within any of Her Majesty's Dominions.

Mayor or Councillor to be a subject of Her Majesty, &c.

VIII. No person being in Holy Orders, or being a minister or preacher of any dissenting religious sect, nor any Judge or Judges, clerk or clerks of any Courts, or any Member of the Executive Council, or any person accountable for the City revenue, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding nor any clerk or assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City.

Parties incapable of being elected Councillors.

IX. The Councillors of the said City of Quebec, at the periods hereinafter mentioned, shall be chosen by the majority of votes of the qualified electors within the wards for which such election shall be had, and no others than the persons having the qualifications in this clause mentioned shall have a right to vote, that is to say:

Councillors to be chosen by votes of qualified electors.

All persons aged twenty-one years and upwards, who are assessed and have paid their assessment at least one month before the election, for the financial year immediately preceding an election of a City Councillor and Assessor, shall have a vote at such election, including co-proprietors and usufructuaries.

Who shall be Electors.

X. Every voter shall vote in the Ward in which he is assessed unless he be qualified to vote in more than one Ward, then in the Ward in which he shall reside; and each voter qualified to vote in one Ward only shall vote in such Ward, and when such voter shall be qualified to vote in more Wards than one and shall reside without the limits of the City, he shall declare at least one month before the election, in which Ward he wishes to vote, and in default he shall not be permitted

In what Ward each Voter shall vote.

permitted to vote at the next election ; and no person shall be permitted to give more than one vote in any case.

Assessors to make out yearly a list of Voters.

XI. And whereas provision for the Registry of Voters has been found equitable and convenient, Be it enacted, That before the first day of November in every year, the Assessors hereinafter mentioned shall make out from the last Assessment Roll, an alphabetical list of the Voters qualified to vote at the election of Councillors in each Ward, to be called "The Voters' List," to which they shall add the names of all such persons, not on the said Assessment Roll, as they know are then entitled to vote at such election, according to the provisions of this Act, and the said Assessors shall sign such list, certifying that it is correct to the best of their knowledge and belief, (and shall also keep a true copy thereof,) which list they shall deliver to the City Clerk, to be by him submitted to the Board of Revisors.

They shall certify it, &c.

List to be kept open at City Hall.

XII. The said list shall be kept in the City Hall for the examination of all concerned, at reasonable hours, from the first to the fifteenth day of November inclusive, of which fact the City Clerk shall give immediate public notice, either by printed placards or by advertisement in not less than one newspaper published in the English language, and one published in the French language, in the said City ; and any person who shall claim to be added to the said "Voters' List," or any Elector who shall desire to have any name erased therefrom, shall prefer his request in writing, signed with his name, stating the Ward to which he belongs, and shall cause the same to be delivered to the City Clerk on or before the said fifteenth day of November.

Claims of persons to be entered on it may be filed.

Boards of Revisors to be constituted : how appointed.

XIII. At their last Quarterly Meeting in every year, after the passing of this Act, the City Council shall choose from among their own number four Members of the said Council, who, together with the Mayor for the time being, shall be and constitute a Board of Revisors, any three of whom shall be a quorum, to revise the said Voters' List, and decide according to the best of their judgment upon the claims previously made as aforesaid for the insertion or omission of names in or from the said List ; and the Mayor, or in his absence such person as the other Members of the Board shall choose at the meeting, shall preside at such meeting of the Board, and such Board shall, on their first day of meeting, be duly sworn by a Justice of the Peace for the District of Quebec, well and impartially to perform their duties as such Revisors ; and the said Board shall give public notice before their first day of sitting, of the order in which they will take up the Lists of the several Wards ; and they shall meet on the twentieth day of November or on the day following if that day be a holiday, at ten o'clock in the forenoon, for the purpose of hearing persons concerned in making the said claims or their duly constituted attorneys and deciding upon

President. To be sworn.

Notice of Sitings.

Meetings of Board.

upon

upon them, and shall adjourn from day to day until all the Voters' Lists are revised and settled; and the Mayor or person presiding at the said Board for the time being, shall have power to examine persons upon oath respecting the said claims and all matters connected with the revision of the said Lists; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions and erasures to or from the said Voters' Lists in relation to the applications before them; and the said Board shall also have power to correct any mistake, or supply any incidental omission made by the Assessors in the said Lists; and the said Lists, so revised and settled, shall be signed by the presiding officer of the said Board, and sealed with the City Seal, and shall be the only correct Voters' Lists: Provided always, that the said Lists shall be finally completed before the tenth day of December: And provided also, that no person's name shall be erased from any of the said Lists without his being informed of the claim to that effect, and having an opportunity to be heard in reference thereto.

Examining  
persons on  
oath.

Correction of  
Lists.

Corrected  
Lists to be  
signed, &c.

Proviso.

XIV. The Voters' List for each Ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk; and every person whose name shall appear in such Ward List, and who shall produce a certificate as hereinafter mentioned, shall be entitled to vote at the election for a Councillor or Councillors, as the case may be, for such Ward, without any further inquiry as to his qualification, and without taking any oath other than that he is the person named in such List, and has not before voted at such election, which oath the Mayor, or any Councillor of the said City, is hereby required and authorized to administer.

Corrected Vo-  
ters' Lists to  
be filed with  
City Clerk.

Certificate to  
entitle any  
person to vote.

XV. On the application of any person whose name shall be on the Voters' List for any ward, at any time on and after the fifteenth day of the said month of December, and until the close of the said elections, the City Clerk shall deliver to such person a certificate signed by him, that the name of such person is on the Voters' List for such Ward, and that he is entitled to vote at the election to be held for a Councillor or Councillors for such Ward, and such certificate shall be deposited by the voter in the City Hall, in the manner hereinafter provided; and no person shall be entitled to vote at the election without producing and delivering such certificate, although his name be on the Voters' List for the Ward.

Certificate to  
be delivered to  
Voters on his  
application.

No one to vote  
without certi-  
ficate.

XVI. Public notice shall be given by the City Clerk, in both languages, and in at least one newspaper published in the English language, and in one published in the French language in the said City, of the time when the elections will be held, and the said certificates may be deposited in the City Hall; such notice being given at least three days before the election.

Notice of pe-  
riod for elec-  
tion.

election to which it shall refer ; but no want of or defect in such notice, shall vitiate any election.

Election of Councillors to be made yearly, and how, Election Books.

XVII. The election of Councillors aforesaid shall annually take place and be held in manner following, to wit : The Corporation of the said City shall cause Books to be prepared, in which shall annually be entered and recorded the names of all persons who, being qualified to vote at the said elections, shall produce and deposit their certificates of qualification in the City Hall of the said City, at any time between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, from the fifteenth day of the month of December, until Thursday intervening between the first and second Mondays in the month of January in each year, both days inclusive ; the said certificate shall be prepared and made out on a sheet of paper, having two leaves thereto, on the inner one of which shall be printed or stamped, blank lines followed by the words, " For Councillor in the Ward," printed or stamped as follows, to wit :

Form of certificate.

For Councillor in the	Ward.
For Councillor in the	Ward.
For Councillor in the	Ward.

Filling up certificates.

The party entitled to the said Certificate, and desirous of voting, shall fill up the said blanks, or if unable to write, shall cause the same to be filled up in the presence of two subscribing witnesses, with the names of those persons for whom he may desire to vote, and whom he may wish to have elected Councillor or Councillors, as the case may be, for the Ward in which he is entitled to vote ; The holders of the said Certificates being the parties named therein, may produce the same to the City Clerk of the said City, in the City Hall thereof, at any time within the hours and periods hereinafter specified, and after entry made by the City Clerk of the name of the said Voter, and the date of the production of the said certificate, the holder thereof being the party named therein as aforesaid, may deposit the said Certificate in a suitable and closed box, in the said City Hall, labelled with the name of the Ward in which the said party may be entitled to vote, of which description of box, appropriately labelled, the said Corporation shall furnish one for each Ward of the said City ; At the time of producing and depositing the said Certificate, the said Voter shall be under no necessity of declaring or making known for whom he may vote as Councillor, and no entry or record of the party or parties voted for shall be made by the City Clerk, but only an entry of the name of the party voting and of the date when he shall produce and deposit as aforesaid his said Certificate and vote ; It shall be lawful for the Mayor, or for any Councillor of the said City, to administer the oath prescribed in the fourteenth Section of this Act, to any party producing a Certificate of Qualification, and claiming the right to deposit

Production and deposit of certificates in the proper boxes.

Voter need not make known for whom he votes.

May be sworn.

the same and vote at the said election ; And it shall be imperative on the said Mayor and on each and every Councillor of the said City, to administer the said oath, upon the requisition to that effect, of any duly qualified Voter in the said City, and likewise in all cases where doubts are or may be entertained of the identity of the party desirous of voting ; and any person who shall swear falsely upon the said oath being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence. The said eight Boxes (one for each Ward) shall severally be locked with five locks each ; each lock shall be different from the others, and shall be opened with a key of a different construction from the keys of any other of the said locks, so that no two of the said locks may be opened with the same key ; and the keys of the said locks shall be given in custody to the Board of Revisors appointed by the Council, each of whom shall keep one key, so that the said Boxes cannot be opened unless in the presence of all the Members of the said Board ; Immediately after the said Thursday intervening between the first and second Mondays in January, the said Board of Revisors shall meet in the City Hall, shall open the said Boxes, and shall cause the entries and record of the City Clerk in the said Books to be perfected, by entering and recording in the said Books the names of the persons for whom each Voter shall or may vote, to be elected Councillor or Councillors as aforesaid ; And the said Board of Revisors shall ascertain and report to the Council of the said City, at its next Meeting the total number of votes given for the Candidates for the office of Councillors, and for whom the greatest number of votes shall have been given, in each of the said several wards ; And the said Council shall, after examination of the said Books, Certificates and Report of the said Committee, thereupon declare the parties having the greatest number of votes to be elected Councillors of the said City ; and in case of an equality of votes, the said Council shall determine which of the parties having the said equality shall be elected to office : Provided, That the newly elected Members, respecting whose election there is no question, shall, if present, be first sworn in, that they may vote in the said cases of equality of votes, if desirous of so doing ; and the said Councillors elect shall afterwards respectively take the oaths prescribed by this Act ; and the said Books, with the names of the said Voters, and the names of the parties for whom they have respectively voted, together with the Certificates produced and deposited by the said Voters, shall remain in the office of the City Clerk, where they shall be open to inspection by any Elector on payment of one shilling.

Must be sworn in in certain cases.

False swearing to be perjury.

Boxes for deposit of certificates to be locked.

Keys, how kept.

Opening the boxes and recording votes.

Report of Revisors.

Council to declare the Candidates elected.

Proviso : Newly elected Members to be sworn in, and may vote.

Books, &c., to remain in office of City Clerk open to inspection. Fcc.

XVIII. Provided always, that in the event of decease or absence from illness, or otherwise, of any one or more of the members of the said Board of Revisors, the Council shall appoint from among themselves, other Revisors in the stead of those

Proviso for case of absence of one or more Revisors.



those who shall be so deceased, or absent as aforesaid, which said Revisors so appointed shall be sworn in the same manner as those in whose stead they shall be so appointed, and any member who shall be so appointed in the stead of the absent Revisor, shall only act as such for the purposes of the Election which shall be then going on; but if the Council shall be unable to appoint such other Revisors in the stead of those who shall have so deceased, or be absent as aforesaid, then it shall be lawful for the remaining members of the said Board to perform all the duties in and by this Act declared to be done by the said Board of Revisors.

Their absence not to vitiate proceedings.

Penalty on Revisor refusing to perform his duty.

**XIX.** If any Revisor appointed under the provisions of this Act shall neglect or refuse to perform any of the duties required of him, under the next preceding sections, he shall incur a penalty of two hundred pounds currency.

Representation of Wards in Council.

**XX.** The said several wards shall be represented in the Council of the said City, by three Councillors.

How and when Candidates for Councillors shall be nominated.

**XXI.** On the first Monday in December which will be in the year one thousand eight hundred and fifty-five, the qualified electors shall openly assemble in the several wards aforesaid, and nominate from the persons qualified to be Councillors, one or more fit and proper person or persons to be Councillor for each of the said wards, to supply the places of those who shall then be about to go out of office: and on the first Monday in December in each succeeding year, the qualified electors aforesaid shall openly assemble in the several wards aforesaid, and nominate from the persons qualified to be Councillors for each of such wards, fit and proper persons to supply the places of those who shall then be about to go out of office: Provided always, that if the day so appointed for such nomination shall in any year happen to be a holiday, such nomination shall take place on the day following.

Proviso.

No Councillor to sit for more than one Ward.

**XXII.** If at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one ward of the said City, he shall within three days after notice thereof from the City Clerk, make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that ward only.

Option if elected for more than one.

Certain fines payable in case of refusal to accept office.

**XXIII.** Any and every Councillor so appointed under the provisions of this Act, who shall refuse or neglect to accept such appointment, or who shall refuse or neglect to perform the duties resulting from such appointment, or any one or more of those duties, shall pay to the Treasurer of the said City a fine of fifty pounds currency: and every Councillor so appointed under the provisions of this Act shall accept such

such appointment by serving a notice in writing to that effect upon the City Clerk, within forty-eight hours after notice given to him of his appointment by the Clerk of the said City ; if such appointment be not accepted, or if the duties thereof be not fulfilled within the proper time, a new appointment may be made by the Mayor, or in case of a vacancy in the office of Mayor, by the Council of the said City ; and after such new appointment shall have been made either by the Mayor or Council, but not before, the appointment previously made of the Councillor in default shall be void and of no effect ; Provided always, that the neglect of any Councillor to accept such appointment in writing as aforesaid, if he in other respects discharge the duties resulting from such appointment, shall not invalidate any act or thing done by him under such appointment, although such neglect shall subject the party so in default to the penalty aforesaid ; Provided always, that such appointment by the Mayor or Council shall only be valid until the next annual election, when the vacancy shall be filled up in the usual manner by the electors.

Notice of acceptance.

Proviso.

XXIV. Each and every person who shall at an election of a Councillor or Councillors, to be had as aforesaid, wear or carry any flag, ribbon or cockade, or other badge or mark whatever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall by violence, menace or malicious practice, or in any manner or way whatsoever, impede or disturb or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same according to his or their wish or desire, shall, on conviction thereof, forfeit and pay the sum of twenty-five pounds current money of this Province for every such offence, or in default of such payment shall be committed to prison for three months.

All party badges or marks forbidden at such elections.

Penalty in case of contravention.

XXV. Every Councillor or other person holding any such election, shall have power and authority to maintain and enforce order, and keep the peace at the election held by him, and all officers and non-commissioned officers of militia, constables and other peace officers, and also all others Her Majesty's subjects, within the limits of the ward of the City for which such election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein ; and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves or other offensive weapons, or wear or carry any flag, ribbon or cockade or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates, or in any wise disturb or threaten to disturb the peace or order at any such election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in any wise interrupt the poll or the business thereof, the said

Councillor holding any election to maintain order.

Parties breaking the peace or guilty of certain other offences may be committed to jail.

Councillor

Councillor or other person holding any such election shall have power and authority, on view or on the oath of one credible witness (which oath the said Councillor or other person holding such election is hereby authorized and empowered to administer,) to arrest or confine or commit to prison any such person or persons so offending, by an order in writing directed to any officer of militia or any peace officer within the limits of the place for which such election is held, or to the Gaoler of the District of Quebec, which order such officer of militia, peace officer or gaoler is hereby required and commanded to obey, under a penalty not exceeding twenty-five pounds current money of this Province for disobedience thereto; Provided the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours; And provided also, that no such arrest, confinement or imprisonment, shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable for any thing done contrary to the true intent and meaning of this Act.

Proviso.

Proviso.

Regulations for the duration of present offices of the Corporation.

Who shall retire in 1856.

Proviso as to St. John's Ward.

Proviso as to vacancies not arising from expiration of term of service.

Proviso.

XXVI. The Mayor and Councillors of the City of Quebec, who shall be in office when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act; and the person who shall so be the Mayor of the City of Quebec at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed and sworn in, according to the provisions of this Act; and on the third Monday in January, in the year eighteen hundred and fifty-six, and on the third Monday in January in each succeeding year, those members of the Council for each ward respectively, shall go out of office who shall have been members thereof for the longest time without re-election; Provided always, that at the next ensuing election of Councillors for the said City for St. John's Ward, the Councillor who had the least number of votes at the election in the year eighteen hundred and fifty-two shall go out of office at the next election, to be held on the third Monday in January, in eighteen hundred and fifty-six, and the Councillor having the lowest number of votes at the election in eighteen hundred and fifty-three shall go out of office at the election to be held on the third Monday in January, eighteen hundred and fifty-seven; and at all ensuing annual elections, when two or more Councillors in each ward have been elected the same day, the Councillor having the lesser number of votes shall go out of office first: Provided also, that if on the third Monday in January, eighteen hundred and fifty-six, or in any subsequent year, there shall be a vacancy or vacancies in the office of any member or members of Council for any ward, who would not, under the provisions of this Section, have gone out of office on that day, then a member or members of the Council shall be elected for the ward to fill such vacancy, as well as in the place of the member who shall then go out of office under the provisions of this Section; And provided further that any member going out of office, may be re-elected, if then qualified, according to the provisions of this Act; And if in any year

year the third Monday in January be a holiday, all that by this Section is ordered to be done on that day, shall be done on the following day.

**XXVII.** There shall be in each year four quarterly Meetings of the said Council, which shall be held on the following days, that is to say : on the second Monday in the months of March, June, September and December, in each and every year, and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included; Provided that if the said Monday be a holiday, the meeting shall take place on the day following.

Four quarterly Meetings of the Council to be held yearly.

Proviso.

**XXVIII.** At the first Quarterly or Special Meeting of the said Council after the election of members thereof, in the year of our Lord one thousand eight hundred and fifty-six, and in each succeeding year, the said Councillors shall elect out of the members thereof, a fit and proper person to be Mayor of the said City, who shall continue in office as Mayor until his successor in the said Office of Mayor shall have been appointed and sworn in; and in case a vacancy shall occur in the office of Mayor by reason of any who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first General or Special Meeting of the said Council after such vacancy, elect out of the members of the Council another fit person to be Mayor for the remainder of the period for which the Mayor whose place is to be supplied was to serve.

At first quarterly Meeting in each year, Councillors to elect a Mayor.

Casual vacancy how filled.

**XXIX.** Whenever and so long as the Mayor of the said City may be absent from the said City, or from sickness be incapable of discharging the duty of Mayor of the said City, the said Council shall elect from any Members of the Council of the City, one who shall, during such absence or sickness of the Mayor of the said City, have all the power, authority and rights, vested by law in the Mayor of the said City, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the said Mayor of the said City; and whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect from any members of the said Council one who shall during such vacancy act as Mayor of the said City, and shall, until such vacancy be filled up, have all the authority, power and rights, vested by law in the Mayor of the said City.

When the Mayor is incapable of discharging duty, Council to appoint a substitute for the time being.

**XXX.** At any quarterly or special meeting of the said Council after the election of Members thereof, in the year of our Lord one thousand eight hundred and fifty-six, and in each succeeding year, the said Council shall appoint as many Assessors for the said City, not exceeding eight in number, as may be necessary, and the said Council may grant the said Assessors such remuneration for their services as the said Council may deem fitting; and the said Council may order and determine in what and how many Wards the said Assessors

Council to appoint Assessors, and when and how.

Assessors

Duties of Assessors.

How property shall be valued.

Vacant lots to be assessed at full value.

Assessors to take an oath of office.

The oath.

Assessments need not be made at any particular time of the year.

Assessors shall act, and if they see fit, that the Assessors to be appointed shall act as such throughout the whole city limits; and it shall be the duty of the said Assessors to make the assessments, to assess all property, and to make returns of all persons liable to pay any rate, duty, tax or impost for or by reason of any cause whatsoever, in the said City, in like manner as the same has been hitherto done in the said City; and the said Assessors shall not hereafter, in the performance of the duties vested in and imposed upon them by law, base their proceedings, estimate, or assessment of property, on a fancied value or rental thereof as has heretofore often been done, but they, the said Assessors, shall be, and they are hereby required to determine the assessment to be made by them on all such property, upon the actual and *bonâ fide* rent thereof, if the said rent be a fair and equitable one, and proportionate to the value of the property, but if otherwise, then on the interest of the actual value of the property assessed; and where property to be assessed is in the occupation or possession of the proprietors thereof, the said Assessors shall be, and they are hereby required to determine the assessment to be paid thereon, upon and according to the rent which the said property may be worth and ought to obtain, were the same to be leased at a fair and equitable rental by the said proprietor at the time; and henceforth, all vacant and unoccupied lots of land within the limits of the said City shall be assessed in all their depth, to their whole extent, and at their full value; that is to say, on the interest of the actual value thereof.

XXXI. Every person to be appointed Assessor as aforesaid, shall, before he begins to act as such, or execute the duties of his said office, take the Oath of Allegiance, and also the Oath in the thirty-fifth Section mentioned, and the following Oath, before any two members of the Council of the said City, that is to say:

“ I, \_\_\_\_\_ having been appointed Assessor for the \_\_\_\_\_ Ward of the City of Quebec, or for the \_\_\_\_\_ said City, (*as the case may be*) do swear that I will faithfully, impartially, honestly and diligently execute all the duties of the said office, according to the best of my skill and knowledge; So help me God.”

XXXII. Notwithstanding any thing to the contrary in any Act or law heretofore passed or in force in this Province, it shall not be necessary for the Assessment in the said City to be made at any particular period in each year, but the powers and authority of the Assessors elected and appointed, or to be hereafter elected and appointed under and by virtue of this Act, shall be and continue in force, and may be exercised for and during the period and term of their election and appointment, to wit, until the first Monday in January in the year next following their said election and appointment.

XXXIII. It shall be lawful for the said Council, at any meeting or meetings composed of not less than two thirds of the members thereof, to make a By-law or By-laws which shall regulate and determine the time when the Assessors of the said City shall annually commence their duties, the manner in which they shall perform them, the period within which they shall annually make their first General Return of the Assessments to be levied and obtained in the said City, and the time and manner in which they may or shall correct their said return, by extending the same, and adding thereto the names of any parties omitted or who shall have become known to the said Assessors, or shall have arrived in the said City subsequently to the making thereof, or who shall have become liable to pay any assessment, tax or duty to the said City, at any time after the said General Return shall or may have been made, and the reduction and modification of any assessment, rate, duty, tax or impost when it may be equitable and just to reduce and modify the same; and in the event of any vacancy or vacancies occurring in the office of Assessor or Assessors by the non-election of any Assessor or Assessors, at the time fixed by law therefor, or by the absence or death of any person or persons elected or appointed to that office, or by the refusal or inability of any Assessor or Assessors elected or appointed to attend to, perform and fulfil the duty or duties which he or they are or may be bound or required by law to attend to, perform and fulfil, it shall and may be lawful for the said Council, at any quarterly or special meeting thereof, to elect, nominate and appoint one or more competent and duly qualified person or persons to fill and supply such vacancy or vacancies.

Council to fix time of making assessments by By-law.

Correction of Rolls.

Vacancies among Assessors, how filled.

XXXIV. At any Quarterly or Special Meeting to be held by the said Council in the month of February or March, in the year One thousand eight hundred and fifty-six, and at any Quarterly or Special Meeting to be held by the said Council in the month of February or March in each succeeding year, or at any Special Meeting subsequent thereto, the members of the said Council shall elect by a majority of votes from the persons qualified to be Councillors, two persons who shall be and be called Auditors of the said City of Quebec; and every such Auditor shall continue in office for the year following his election: Provided always, that in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid: And provided also, that no member of the said Council, nor the Clerk, nor the Treasurer, or Assistant Treasurer of the said City, shall be capable of being elected an Auditor as aforesaid; And provided further, that any vacancy that may occur in the office of Auditor may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any General or Special Meeting; and the person so elected shall hold his office until the time when the person whose place he shall have been elected to supply would have gone out of office.

Auditors of the City of Quebec appointed.

Proviso.

Proviso.

Proviso.

Mayor, Councillors, &c. to take the following oath of office.

XXXV. No person elected to be Mayor, Councillor or Auditor, or appointed Assessor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Councillors (who are hereby respectively authorized and required to administer the said oath to each other,) the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and also an oath in the words or to the effect following, that is to say :

Form of oath.

“ I, A. B., having been elected Mayor, (Councillor, Auditor, or appointed Assessor, *as the case may be*) for the City of Quebec, do sincerely and solemnly swear that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized or possessed for my own use, of real or personal estate, or both, in the said City of Quebec, after the payment or deduction of my just debts, of the value of  
 “ And that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Councillor, Auditor, or appointed Assessor, *as the case may be*) as aforesaid : So help me God.”

Fines in case of non-acceptance of office.

XXXVI. Every person duly qualified, who shall be elected to the office of Mayor, Councillor, Auditor or appointed Assessor as aforesaid, of the said City, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said City, and for the use of the said City, a fine as follows, that is to say :—For the non-acceptance of the office of Councillor, a fine of Fifty pounds ; for non-acceptance of the office of Auditor or Assessor, a fine of Fifty pounds ; and for non-acceptance of the office of Mayor, a fine of One hundred pounds ; and every person so elected, shall accept such office, by taking the Oath of Allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after notice of his election, and in default thereof, shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election to be made in the manner hereinbefore prescribed or by law or any By-law of the said Council may be required : Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid ; and provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office if he shall claim such exemption within five days after the notice of his election from the City Clerk : And provided also, that no Military, Naval, or Marine Officer, in Her Majesty’s service, on full pay, nor any  
 Member

Proviso : certain parties exempted, &c. :

Proviso for further exemptions.

Member of the Legislature of this Province, nor any Adjutant General, or Deputy Adjutant General of Militia, nor the Postmaster or his Deputies, or any Custom-House Officer, Sheriff or Coroner, Inspector and Superintendent of Police, nor the Clerks or commissioned Officers of the Legislature or of the Executive Council, nor any Schoolmaster, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

XXXVII. If any person holding the office of Mayor or Councillor, shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or being Mayor, shall be absent from the said City for more than two calendar months, or being a Councillor, for more than six months, at one and the same time (unless in case of illness) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor or Councillor as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Mayor or Councillor disqualified in cases of Bankruptcy, absence, &c.

XXXVIII. The Mayor of the said City for the time being, shall be a Justice of the Peace for the City and District of Quebec without further qualification, and the Councillors of the said City for the time being, shall severally be Justices of the Peace for the said City of Quebec without further qualification, and it shall be lawful for the said Common Council, from and out of the moneys belonging to the said City, to grant and allow to the said Mayor for the time being in lieu of all fees and perquisites, such salary not exceeding three hundred pounds and not less than one hundred and fifty pounds, as the said Council shall think fit.

Mayor and Councillors *ex officio* Justices of the Peace.

Salary of Mayor, &c.

XXXIX. It shall be lawful for the said Council of the said City, from time to time as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City; and another fit person not being a member of the said Council, and not being City Clerk, to be the Treasurer of the said City,—one or more fit person or persons, not being members of the Council, to be the Clerk or Clerks of the Markets of the said City, a City Surveyor, and one or more Surveyor or Surveyors of Highways, Streets and Bridges,—and such number of Overseers of Highways, Streets and Bridges as they may deem necessary,—and one Collector for each of the Wards of the said City,—one or more Pound-keeper or Pound-keepers for the said City,—and such other officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer, and appoint another in his place, and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other Officer

Council to appoint Corporation Officers.

City Clerk.

Treasurer.  
Clerks of Markets.  
Surveyors and Road Officers.

Pound-keepers.

Removing Officers.



Security from them.

Salary.

Assistants to Officers.

as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer, and other officers to be appointed as aforesaid, such salary and allowance, or other compensation for their services as they may think fit; and whenever and so long as any officer named by the said Council of the said City may be absent from the said City, or from sickness or any such cause be incapable of discharging the duties of the office of the said officer, it shall be lawful for the Mayor of the said City, by a writing under his hand, to appoint a fit and proper person to be assistant to any such officer named by the said Council of the said City, and every such assistant shall, during the time for which he may be so appointed, discharge the duties of the office of any such officer named by the said Council, and all acts, matters and things done by the said assistant during the time of his appointment, shall have the same force and effect as if performed by any such officer named by the said Council of the said City.

Extraordinary vacancies in the office of Councillor to be filled by Election.

XL. If after the passing of this Act, any extraordinary vacancy shall occur in the office of a member of the Council of the said City, the persons qualified to vote in the ward for which such vacancy shall have occurred, shall, on a day to be appointed by the Mayor after such vacancy shall have occurred, elect from the persons qualified to be members of the Council, a person duly qualified to fill such vacancy, and such election shall be held, and the voting and other proceedings shall be conducted in the same manner, and subject to the same provisions in this Act contained with respect to other elections of members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would in ordinary course have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year; and should any Councillor, after having been in office for and during the time of six months, intimate to the Council his desire to resign, he shall be allowed to do so with the consent of three fourths of the members present when such desire may be so intimated, and his place shall be filled up in the manner herein provided for filling extraordinary vacancies.

Proviso: if occurring within certain periods.

Certain enactments to remain repealed.

36 G. 3, c. 0.

XLI. So much of a certain Act of the Legislature of the Province of Lower Canada, passed in the thirty-sixth year of the Reign of his late Majesty, King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of Assessors, and of a Road Treasurer for the said City of Quebec; and also of a certain Act of the Legislature of the said Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth,

Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, and intituled, An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of a Surveyor of the Highways, streets, lanes and bridges in the said City of Quebec, by the Governor, Lieutenant Governor or person administering the Government of the said Province of Lower Canada, and which was repealed by the said Ordinance to incorporate the City and Town of Quebec, shall continue to be and shall be, and remain repealed, and all and every the powers, authority and duties which in and by the said Acts, or any other Act or Acts of the Legislature of the said Province of Lower Canada, were, before the passing of the said Ordinance to incorporate the City and Town of Quebec, vested in and imposed on the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road Treasurer, and of the said Surveyor of highways, streets and bridges in the said City, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinance to incorporate the City and Town of Quebec, are now vested in and imposed on the Assessors appointed in pursuance of the last mentioned Ordinance, and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Quebec, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be and shall be, and remain vested in and imposed on the Assessors, Treasurer and Surveyor of Highways for the said City of Quebec respectively, who may be in office under the authority of the said last mentioned Ordinance, when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of this Act.

Certain powers mentioned in the said Acts to be vested in the Officers appointed under this Act.

**XLII.** In the event of the absence from the said City of the owner or owners of any real property therein liable to assessment, and the non-payment of the assessment on any such real property by any agent or other person on behalf of the said absent owner or owners thereof, an increase of six per cent. on the amount at which the said property may and shall be assessed, shall annually accrue upon and be made to all arrears of assessment due upon such property, so long as the same shall remain unpaid; and the said property, or any sufficient part or portion thereof, if the same be easily susceptible of division, shall, after five years' non-payment of the said arrears of assessment and increase of six per cent. thereon, be liable to be sold therefor, and the Sheriff of the District of Quebec is hereby authorized and empowered to sell and dispose of any and all such property

In case of non-payment of assessment, six per cent. on amount thereof to be added annually.

Property may be sold by Sheriff for five years' arrears of taxes or upwards; and how.

Distribution of proceeds.

after six months' notice to that effect given by him the said Sheriff in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon for the said period of five years, whether the said judgment be obtained in the Superior or Circuit Court or in any Court of Special or weekly Sessions, and the moneys levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the Superior or Circuit Court to be by the said Court adjudged upon, distributed, and ordered to be paid, according to law and the rights and privileges of the parties claiming the same.

Treasurer to keep account of moneys by him received and paid.

XLIII. The Treasurer of the said City shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid, and the books containing the said accounts shall at all seasonable times be open to the inspection of any of the Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall in the months of May and November in every year be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such number of the said Councillors as the Mayor of the said City shall name, on the first day of May in every year if not a holiday, and if so, on the next following day, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being examined and audited from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November in the year in which the said Auditor shall have been elected and named, and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing, and cause to be printed a full abstract of his accounts for the year, which abstract shall be published in two of the City newspapers of the said City, one in the French and the other in the English language, on or as near as possible to the second Friday of January in each year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City.

Accounts to be audited semi-annually.

Abstract thereof to be printed and published.

Formalities as to payment of moneys.

XLIV. The Treasurer of the said City shall not pay any moneys in his hands as such Treasurer, otherwise than upon an Order in writing of the Council of the said City, signed by three or more members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a judgment or order of any Court of Justice; and no Justice of Peace shall have the right to order any payments to be made out of the funds of the said City.

**XLV.** The Clerk, Treasurer and other officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Act, and also of all moneys which shall have been received by them respectively, and by virtue and for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such moneys as shall remain due from him, to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all books, documents, papers and writings in his custody or power as such Officer as aforesaid, then and in every such case on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such officer shall reside or be, such Justice of the Peace shall be and is hereby authorized and required to issue a warrant under his hand and seal, for bringing such officer before any two Justices of the Peace for such District or County, and upon the said officer appearing or not appearing or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any moneys remain due from such officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by warrant under their hands and seals to cause such moneys to be levied by distress and sale of the goods and chattels of such offender; and if sufficient goods and chattels shall not be found to satisfy the said moneys and the charges of the distress, or if it appear to such Justices that such officer has refused or wilfully neglected to deliver such accounts or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or County where such officer shall reside or be, there to remain without bail, until he shall have paid such moneys as aforesaid, and shall have delivered a true account as aforesaid, and until he shall have delivered up such books, documents, papers and writings as aforesaid, or have given satisfaction in respect

Officers of Corporation to deliver account to Council of matters committed to their charge.

Proceedings in case of neglect so to do.

Complaint before Justice of the Peace.

Decision.

Levying penalty.

Imprisonment in certain cases.

**Proviso.** of the matters aforesaid to the said Council: Provided always, that no person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer.

**At meetings of Council all matters to be determined by majority of those present.**

**XLVI.** In all meetings of the said Council to be held in pursuance of this Act, a majority of the members present at such meeting shall determine all questions and matters submitted to or under the consideration of the said Council, provided the number present at the said meeting be not less than one third part of the whole number of the said members of the said Council; and at all such meetings the Mayor of the said City, if present, shall preside, and in case of his absence such Councillor as the members of the Council so assembled shall choose to be Chairman of any such meeting, shall preside at the same; and in case of any equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a member of the Council, nor unless the votes be, as aforesaid, equally divided.

**Casting vote of Mayor, &c.**

**Periods for meeting of Council to be fixed by By-law.**

**XLVII.** The said Council shall and may meet for the despatch of the business of the City, at such fixed periods as shall be determined by a By-law, and may adjourn from time to time to such day as they shall think fit, giving notice thereof to all the Councillors not present at the adjournment.

**Minute Book of proceedings to be kept, and certified extracts therefrom held authentic.**

**XLVIII.** Minutes of the proceedings of all meetings to be held as aforesaid shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said meetings shall be held with open doors; and all extracts from the book required to be kept by this section of this Act, and all copies of entries therein, and generally all certificates, deeds and papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the seal of the said City, shall in all Courts of Justice in this Province be taken and received as evidence of the facts in such extracts, copies, certificates, deeds and papers, respectively: and that any copy of a By-law of the Corporation or other document certified by the City Clerk or his deputy, and having the common seal of the said Corporation thereto annexed, shall be held authentic, and shall accordingly be received in evidence in all Courts, civil or criminal, without further proof, unless it be expressly pleaded that such signature and seal are forged.

XLIX. It shall be lawful for the said Council to appoint, from and out of the members comprising such Council, such and so many Committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties, within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Committees of Council to be appointed.

L. All and every the powers and authorities which in and by any Act of the Legislature of the Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Quebec, had been and were, at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Quebec, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Quebec, or any of them, for, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses, sewers, market houses and weigh houses, and other public erections and works in the said City of Quebec, or any of them, and for, touching and concerning, the dividing of the said City into divisions, and the appointment of overseers of highways, streets and bridges in the said City, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Quebec, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Quebec, became and were vested in the said Council of the said City of Quebec, shall continue to be vested in and exercised by, and shall be and remain vested in and exercised by the said Council of the said City of Quebec; and all real and personal property within the said City, which before the passing of the said Ordinance to incorporate the City and Town of Quebec, were subject to the management, control, or authority of the Justices of the Peace for the said District of Quebec, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become and are subject to the power, authority, order and control of the said Council of the said City, shall continue to be and shall be and remain subject to the power and authority, order and control of the said Council of the City: and the said Council shall moreover have the exclusive power to grant or refuse ferry licenses to persons plying as ferrymen to the said City of Quebec, from any place within twelve miles of the said City, any law, usage or custom to the contrary notwithstanding.

Certain powers formerly vested in Court of Quarter Sessions to be subject to control of the Council.

Ferry licenses.

LI. It shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two thirds Council empowered to thirds

make By-laws for certain purposes :

thirds of the members thereof, to make By-laws which shall be binding on all persons, for the following purposes, that is to say :

For the good rule, &c., of the City.

1. For the good rule, peace, welfare, improvement, cleanliness, health, internal economy, and local government of the said City ;

For the raising and applying moneys.

2. For the raising, assessing, and applying such moneys as may be required for the execution of the powers with which the said Council is now or hereafter may be invested, either by imposing tolls and rates, to be paid in respect of any public works within the said City, or by means of a rate or assessment to be assessed and levied each and every year, on real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment may, in any one year, amount to, but shall not exceed, (excepting as hereinafter provided,) one shilling and six pence in the pound on the assessed yearly value of the property liable to such assessment, and by imposing a duty or duties on the keepers of houses of public entertainment, as hotels, and the retailers of spirituous liquors, and on all hawkers, pedlars, and petty chapmen, within the City, and on proprietors, owners or keepers of theatres, circuses, or public exhibitions, or shows of any kind, or of horses or carriages of any kind kept for pleasure, for working, or for hiring out, or dogs or pigs, or of billiard tables or gambling houses, or places for gambling in the City, where pigeon holes, nine or ten pins (*quilles*), roulette, bagatelle, or any other game or games of chance are played, within the said City, and on wholesale and retail dealers in goods, wares, or merchandize of any kind, and the premises occupied by any and all such ; on banks, bankers, bank agencies, and banking institutions of every kind in the said City, and the premises occupied by them ; on all brokers and money changers, and their premises ; on the insurance companies and agencies therefor, and the premises occupied by them ; on agents of merchants residing without the limits of this Province ; on gas companies, and the premises used and occupied by any or all such within the said City ; on keepers of eating-houses, coffee houses or ordinaries ; on all auctioneers, grocers, bakers, butchers, hucksters, pawnbrokers, livery stable keepers, or carters within the said City ; and also on bakers, butchers, carters and hucksters, domiciliated without the limits of the City of Quebec, following their several trades or occupations within the limits of the City ; on all trades and manufactories carried on, exercised or in operation within the said City ; on all breweries, distilleries, and foundries, and agents and agencies of breweries and distilleries ; on all soap and candle factories ; camphine or other oil factories ; ginger beer, spruce beer, and root beer brewers and breweries ; on brick manufactories, wood dealers and wood-yards ; on all ball alleys and other

Rates limited.

Special taxes on certain persons and properties.

other

other means of gambling; and on all tanneries and slaughter houses within the said City; and on all persons acting as ferrymen to the said City, or plying for hire for the conveyance of persons by water to the said City, from any place not more than fifteen miles distant from the same: Provided always, that any house or other building and its dependencies, and the land upon which it is erected, situate within the limits of the said City, the property of any institution for educational, charitable or benevolent purposes, now occupied and employed, or which may be hereafter occupied and employed for educational, charitable or benevolent purposes, shall be hereafter exempted from any rate or tax imposed upon real property by virtue of this Act; but nothing contained in this provision shall be applicable to other real property possessed by the said institutions within the limits of the said City, which is not employed or occupied as hereinbefore mentioned;

Proviso: property used by charitable Institutions exempted.

3. For increasing the amount of the commutation money payable by each person liable to statute labor on the highways within the said City, to any sum not exceeding five shillings currency, for each person so liable: and for obliging each and every person so liable to pay the amount of such commutation money so fixed, without being allowed to offer his personal labor on the said highways instead thereof, and for exempting from payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same;

For regulating commutation money for statute labor.

4. For changing the site of any market or market-place within the said City, or to establish any new market or market-place now in existence, or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute, or usage to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council, respecting any such market or market-place, any remedy such party may by law have against the Corporation of the said City for any damage by such party sustained by reason of such act;

For regulating site of public buildings, &c.

5. For determining and regulating the powers and duties of the Clerks of the markets of the said City, and of all other officers and persons employed or to be employed by the said Council in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale any kind of goods or commodities in the said markets or upon the said market-places; and for imposing, regulating, fixing and determining the duties, taxes or rates to be paid by any person or persons selling or retailing in or at any of the said markets, any provisions, vegetables, butcher's meat of any kind, grain, fowls, hay, straw, firewood, or any other thing or things whatever, and for regulating the conduct of all persons buying or selling

For regulating powers of Clerks of Markets.



selling in or at any of the said markets; and to provide for the weighing or measuring, as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose by the said Council, and the payment of such fees as the said Council may think fit to impose in that behalf, of any thing or things sold or offered for sale in or at any of such markets;

**For regulating vehicles.** 6. For regulating all vehicles of every kind whatever in which any articles shall be exposed for sale in any public market, or in any street or public place within the said City, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid;

**For establishing Boards of Health.** 7. For establishing a Board or Boards of Health for and within the said City, and for appointing the members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof from contagious or infectious disease, or for diminishing the danger of or arising from the same;

**For regulating weight and measure of certain articles.** 8. For regulating the weight and measurement of all firewood, coals and salt, and of all grain and lime brought into the said City for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement and weight, any or all of the said articles shall hereafter be bought and sold in the said City, and for appointing measurers and weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform;

**To compel proprietors to keep premises clean.** 9. To compel the proprietor or proprietors, occupant or occupants of all real property within the City limits, to enclose the same, and to keep the same clean and free from filth and dirt, and to make the necessary drains, sewers and privies on such property;

**For the abatement of nuisances.** 10. For directing and requiring the removal at any time of the snow from the streets and the roofs of houses, or of any filth, dirt or other nuisance offensive to the inhabitants or prejudicial to public health, or of any door-steps, porches, railings or other projections into or obstructions in any public street or highway within the said City, by and at the expense of the proprietors or occupants of the real property in or on which such projection or obstruction, filth, dirt or nuisance shall be found;

**For lighting the City.** 11. For defraying out of the funds of the said City the expense of lighting the said City, or any part thereof, with gas or with oil or in any other manner, and of performing all such work of any kind as may be necessary for such purposes, and for obliging the proprietors of real property in any part of the City so lighted or to be lighted, to allow such work to be performed on

or in such property respectively, and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any buildings thereon; the expense of all such works being in every case defrayed by the said Council, and out of the funds of the said City;

12. For altering the level of the foot-paths or other side-walks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said City; Provided always, that the said Council shall make compensation out of the funds of the said City to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof;

For improving side-walks.

Provisc.

13. To pull down, demolish, and remove when necessary, at the expense of the proprietors or occupants, all walls, fences, or other buildings or erections encroaching on streets or public places, and all nuisances, old delapidated or ruinous walls, chimneys and buildings that may endanger the public safety, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by what party or parties the expenses thereof shall be borne;

For removing ruinous buildings, &c.

14. For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Quebec, with the right of declaring forfeited all bread of any inferior weight or bad quality exposed or offered for sale; the bread so forfeited to be distributed to the poor, all provisions contained in the Ordinance passed in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, *An Ordinance concerning Bakers of Bread, in the Towns of Quebec and Montreal*, which is hereby repealed in so far as regards the said City of Quebec, to the contrary notwithstanding;

For fixing the weight and quality of bread.

15. For restraining, ruling and governing apprentices, domestics, hired servants and journeymen in the said City of Quebec, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Quebec;

For the governing of apprentices and servants.

16. To prevent or regulate, and assess all gaming, or the keeping of any gaming-house or place for gaming in the said City;

For regulating gaming-houses.

17. For the government of persons plying as ferrymen to the said City of Quebec, from any place within fifteen miles of the said City, and to establish a tariff or tariffs of fees to be taken by such ferrymen, and also to fix and determine what places in the said City may be used as landing places, and respecting all

For regulating ferrymen.

all other matters and things connected with such ferries and landing-places ;

To compel attendance of Members of Council.

18. To compel the attendance of the Members of the said Council at all Quarterly and other Meetings of the said Council, and the regular performance by the said Members of the said Council, of their respective duties as Members of the said Council ;

For regulating the constabulary force.

19. For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force to be 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 constabulary force, so as to prevent any neglect of duty or abuse of power, on the part of the members composing the said force ;

For watering and sweeping the streets.

20. For assessing the citizens residing in any particular street, lane, square or section of the City, in any sums necessary to meet the expense of sweeping and watering the said street, or removing the snow from the said street, lane, square or section of the City, provided that no less than two thirds of the said citizens, residing as aforesaid, in such street, lane, square or section shall have first prayed or demanded to have the same swept or watered, or the snow removed therefrom ; and provided also that the said assessment shall in no case exceed the amount of three pence in the pound : To impose a special assessment over and above all other rates or assessment which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged or deteriorated in value by any mob, tumultuous assemblage or riotous persons whomsoever in the said City ;

Paying damages done by mobs.

21. For the prevention of any new burial places within the limits of the City, and for the regulation or prohibition of all burials within the City limits and the closing of all cemeteries within the same, on the payment of a reasonable indemnity to parties interested, to be ascertained in the event of disagreement, as in the case of the acquisition of real property provided for by this Act ;

Regulating burial places.

For imposing fines.

22. And by any such By-law, for any of the purposes of this Act, the said Council may impose such fines not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem necessary for enforcing the same, and also may impose a similar fine and imprisonment for any continuance or continuances of an offence which any By-law of the said Council may prohibit.

Council further empowered to make By-laws.

LII. It shall moreover be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less

less than two thirds of the Members of the said Council, to make By-laws, which shall be binding on all persons, for the following purposes, that is to say :

1. To make a tariff of rates to be paid by all persons using any wharf or part of a wharf the property of the Corporation, and to enforce payment of the same by a penalty or imprisonment ;

To make a  
Tariff of wharf  
rates.

2. To prevent the erection or construction of any wooden buildings within the limits of the said City, or within any portion thereof ;

To prevent the  
erection of  
wooden build-  
ings.

3. To prescribe and regulate the manner of constructing and erecting buildings so as to prevent accidents by fire ;

To regulate  
erection of  
buildings.

4. To make such rules and regulations to prevent accidents by fire, as by the said Council shall be deemed meet and just.

To prevent ac-  
cidents by fire.

LIII. In the event of any person erecting or constructing any wooden building contrary to the said By-laws, it shall be lawful for the Mayor, with the consent of the Council expressed in a resolution to that effect, by a precept addressed to the Sheriff of the District of Quebec, signed by the said Mayor, countersigned by the City Clerk, and under the seal of the said Corporation, to order the said Sheriff to demolish and remove the said Building, at the expense of any such person.

Wooden build-  
ings contrary  
to By-laws to  
be demolished.

LIV. And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire therein, Be it enacted, That from and after the passing of this Act, the said Council of the said City shall have full power and authority to make By-laws which shall be binding on all persons within the said City, for the following purposes, that is to say :

Further pow-  
ers to make  
By-laws.

1. For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City ;

Council to  
make By-laws  
to regulate  
conduct of per-  
sons at fires.

2. For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid into effect, and for prescribing the duties of such officers and providing for them adequate remuneration out of the funds of the said City ;

To appoint Of-  
ficers to carry  
out rules.

3. For defraying, out of the said Funds, any expenses which they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires ;

For the pur-  
chase of en-  
gines, &c.

4. For authorizing such officers as shall be appointed by the Council for that purpose, to visit and examine, at suitable times and hours, to be established by such By-laws, as well the interior as the exterior of all houses, buildings and real property of any description, within

To authorize  
Officers to en-  
force observ-  
ance of By-  
laws.

within the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid have been duly observed and obeyed, and for obliging all proprietors, possessors or occupants of such houses, buildings or real property, to admit such officers and persons into and upon the same at the times and for the purposes aforesaid ;

To empower Officers to demolish buildings in case of fire.

5. For vesting in such Members of the said Council and in such officers as shall be designated in such By-laws, the power of causing to be demolished or taken down, all buildings or fences which such members or officers shall deem necessary to be demolished or taken down in order to arrest the progress of any fire ;

To prevent thefts and depredations at fires.

6. For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any member or officer of the Council in the execution of any duty assigned to him, or in the exercise of any power vested in him, by any By-law made under the authority of this Section ;

To assist persons in their employ who may be disabled.

7. For defraying out of the funds of the City any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals or otherwise, upon any person who shall have performed any meritorious action at any fire ;

To authorize judicial enquiries into origin of fires.

8. For establishing or authorizing to be established after any and every fire in the said City, if deemed necessary, a judicial inquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both, to examine them on oath, and to commit for trial, any party or parties against whom well grounded cause of suspicion may be found, of their having wilfully or maliciously originated the said fire or fires ;

To impose an annual rate on real property, not exceeding three pence in the pound.

9. For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said City, or upon the owners or occupiers thereof in respect of such property, provided that such assessment shall not in any one year exceed three pence in the pound on the assessed annual value of the property, lying and being within the said City, and for regulating the time and manner such rate or assessment shall be collected ; and by any By-law for any of the purposes for which the said Council are authorized by this section of this Act to make any By-law, the said Council may impose such fine, not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

Imposing fines.

LV. It shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two thirds of the said Council, to impose by By-law, a penalty not exceeding one hundred pounds, currency of the said Province, on any Assessor or Assessors of, in or for the said City, or any ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil the duty or duties, which he or they, the said Assessor or Assessors, are or may be bound and required by law to attend to, perform and fulfil.

Penalty on Assessors for neglecting their duties.

LVI. Any person enrolled and serving in any fire, hose, hook and ladder, or property protecting Company, established or to be established by the said Council, or in any such Company under the control and management of the said Council of the said City, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from serving as a juror, constable, or militiaman excepting during any war or invasion of the Province.

Exemptions allowed to firemen, &c.

LVII. And whereas the different systems of chimney sweeping that have heretofore been in use in the said City, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney sweeping in the said City, or in any part thereof, licenses to sweep chimneys for gain or hire in the said City, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose; and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said City, or for gain or hire, cause any chimney in the said City to be swept, without having received a license from the said Council to sweep chimneys in the said City, or in some part of the said City to be designated in the said license; nor from and after the passing of this Act, shall any person having received any such license, for gain or hire sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of any chimney to be swept, after the time for which such license shall be granted, or at any place within the said City to which such license shall not extend, or beyond the limits mentioned in such license, nor shall any person having obtained such license, charge or receive, either directly or indirectly any greater sum or allowance of any kind for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the tariff to be established in that behalf, as hereinafter provided for, under a penalty of twenty-five shillings currency, for each and every offence against any one

Recital.

Council may grant licenses to chimney sweepers.

No person to sweep unless licensed, and no licensed sweep to charge more than proper fees.

Penalty for contravention.  
or

or more of the foregoing provisions in this Section of this Act contained.

Council may  
make By-laws  
regulating  
chimney  
sweeps.

LVIII. It shall be lawful for the Council, at a meeting or meetings of the said Council composed of not less than two thirds of the said Council, to make By-laws, which shall be binding on all persons, for causing all chimneys within the said City to be swept by a licensed sweep, in such manner as, at such times and so often as the said Council shall appoint, and to establish a tariff of the rates or prices to be paid to such licensed sweeps for the sweeping of chimneys; and in every case in which a chimney shall take fire in the said City, the occupant of the house in which such chimney shall take fire shall pay a penalty of not less than twenty-five shillings currency, and not more than fifty shillings currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have alleged and proved that he caused the chimney that may have so taken fire to be swept by a licensed sweep, and unless it appear that according to the By-laws of the said City of Quebec, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such licensed sweep, and the time at which such chimney may have taken fire; Provided always, that any occupant of any part of a house in the said City, who may use or cause to be used the whole or any part of a chimney in or attached to or forming a part of any such house in the said City, shall be considered for all and every the purposes of this section of this Act as the occupant of such house; And provided further, that if any chimney that may so take fire be in the use or be used by the occupants of different buildings, or by occupants of different parts of the same building, each such occupant shall be subject to the same liabilities in all respects as if such chimney had been in his sole use; And provided also, that any chimney which may be used in any way for the purpose of heating any building or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, shall be considered as a chimney in such building for all and every the intents and purposes of this Act.

Proviso.

Proviso.

Proviso.

Copy of all  
By-laws to be  
transmitted to  
Governor.

May be dis-  
allowed.

Proviso.

LIX. Provided always, that a copy of every By-law to be made by virtue of this Act shall be transmitted with all convenient speed after the making thereof to the Governor of this Province for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-law, and such disallowance shall without delay be signified to the Mayor of the said City, and thenceforward such By-law shall be void and of no effect; Provided also, that all By-laws repugnant to any law of the land

land or to any Act of the Legislature of this Province, shall be null and void.

LX. Provided always, That all and every the By-laws, Rules, Orders and Regulations and acts of authority made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Quebec, or by the Justices of the Peace for the District of Quebec, or other competent authority, before the passing of the last mentioned Ordinance to incorporate the City and Town of Quebec, which may be in force at the time of the passing of this Act, shall continue, be and remain in full force and virtue, until the same shall be rescinded, repealed or altered by the said Council, under the authority of this Act, or by other competent legal authority.

Regulations in force at the time of the passing of this Act to remain in force.

LXI. The said Council shall have full power and authority notwithstanding any law to the contrary, to purchase and acquire, or take and enter into, after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such land, ground, or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market-places or other public highways or places, or for continuing, enlarging, or otherwise improving the streets, squares, market-places or other public highways or places now made, and the neighbourhood thereof, or as a site for any public building to be erected by the said Council, and to pay to or for the use of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in or which shall hereafter come into their hands, such sum or sums of money as may be agreed upon as the value of such ground or other property, by the party proprietor thereof and the said Council respectively, or ascertained in the manner hereinafter mentioned, in case they shall not so agree upon the same: Provided always, that before acquiring any such land, ground or real property, it shall be the duty of the Council to make a By-law imposing forthwith a special annual tax on the real property within the ward or wards where such land, ground or real property is situate, or which may be interested in or benefited by the acquisition of such land, ground or real property for such purpose, sufficient to pay the interest of the purchase money thereof, and also two and a half per cent. annually, to form a sinking fund to liquidate the capital thereof.

Council empowered to purchase and acquire real property.

Proviso.

LXII. It shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, *grévés de substitution*, and all trustees whatsoever, who are or shall be seized or possessed of or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, not only for themselves, their heirs and successors, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are or shall

Corporations and other parties empowered to sell real property to Corporation.

be



be seized, possessed or interested as aforesaid, whether minors or issue unborn, lunatics, idiots, *femes covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground to the Corporation or the Mayor, Councilors and Citizens of the City of Quebec, and such contracts, sales and conveyances shall be valid and effectual in law to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding: and all Corporations and persons whatsoever so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale, which he, she or they shall respectively make by virtue of or in pursuance of this Act.

Jury to be appointed to assess value of real property in certain cases.

LXIII. In all cases where the said Council, and the persons seized or possessed of or interested in the said pieces or parcels of ground, or other real property, or any of them, or any part thereof, shall not by voluntary agreement settle and determine the price and compensation to be paid for the said premises or any part thereof, or such persons shall be absent or shall not be known, such price and compensation shall be ascertained, fixed and determined in manner following, that is to say: The Sheriff of the District of Quebec upon a petition to him addressed, and upon proof that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, her, or their tutor, curator, administrator, attorney, agent or curator *ad hoc*, of the intention of the said Council to present such petition to the said Sheriff for the purposes of taking possession of, entering into, and appropriating to the use of the said Corporation such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be special Jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable to be paid by the said Corporation for such pieces or parcels of ground or real property as aforesaid: Provided always, that any determination as aforesaid, in which any nine of the Jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the Jurors had agreed therein; and in case the owner of such property is unknown or is absent from that part of the Province heretofore known as Lower Canada, one month's notice shall be by the said Council given in one of the newspapers of the City, of the intention of the said Council to present a petition to the said Sheriff praying him to summon a Jury for the above purpose.

Proviso: verdict of nine to be sufficient.

Verdict being rendered, Sheriff to deliver property to Council.

LXIV. Immediately after the rendering of the said verdict, the said Sheriff shall deliver possession of the said property to the said Council, who shall thereupon adopt the requisite proceedings to obtain from Her Majesty's Superior Court a judgment confirming the title of the said Council.

LXV.

LXV. The owner of the said property shall not be entitled to claim from the said Council, payment of the sum of money awarded by the said Jury, but the same shall remain in the hands of the said Council, to be paid and distributed as ordered by the said Superior Court, and upon such payment the said Council shall become the owner and proprietor of the said property.

How the sum awarded shall be distributed.

LXVI. All the provisions and enactments in this Act contained with regard to the mode in which the value of any real property taken by the said Council shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the said Council to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side-walk, or in the level of any street, or by reason of the removal of any establishment subject to be removed under any By-law that may be passed in virtue of this Act, or to any party by reason of any other act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said Council shall not agree.

Provisions of this Act with regard to ascertaining value of real property extended to the ascertaining of damages in certain cases.

LXVII. All Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Quebec, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of mortmain, any law to the contrary notwithstanding.

Corporations, &c., may invest the price of property paid by Council in other real property.

LXVIII. For the purpose of defraying the expense of the Police Force hereinafter authorized to be established, all fines and penalties imposed or hereafter to be imposed by and in virtue of the Ordinance passed in the second year of Her Majesty's Reign, intituled, *An Ordinance for establishing an effective system of Police, in the Cities of Quebec and Montreal*, shall be paid to the City Treasurer or other Officer of the Corporation appointed to receive the same, and also all fines on persons convicted, or hereafter to be convicted of common assaults and batteries, under and by virtue of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for consolidating and amending the Statutes in this Province relative to offences against the person*, and also all fines recovered before any Justice of the Peace in the said City, for offences committed therein, and recovered before one or more Justices of the Peace other than in the Court of Quarter Sessions; the said several sums to form part of the funds of the Corporation

Fines in certain cases to belong to the Corporation.

2 V. c. 2.

4 & 5 V. 27.

Corporation of the said City of Quebec; any thing in the said Acts to the contrary notwithstanding.

Penalty for assaulting constable in the execution of his duty.

LXIX. If any person shall assault or resist any Officer or Constable 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 any two Justices of the Peace, shall, for every such offence, forfeit and pay such sum not exceeding five pounds, as the said Justices shall think meet, or in default of such payment shall be committed to prison for one month: Provided always, that nothing herein contained shall prevent any prosecution, by way of indictment, against any person so offending, but so as that such person shall not be prosecuted by indictment and also proceeded against under this Act for the same offence.

How fines, &c., imposed by By-laws in force at the passing of this Act may be recovered.

LXX. All fines and penalties imposed by any By-law, Rule, Order or Regulation which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District before the passing of the said Ordinance to incorporate the City and Town of Quebec, or by the said Council since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by the said last mentioned Ordinance to amend the Ordinance to incorporate the City and Town of Quebec, or by this Act, or by any Act or Acts concerning any market or markets in the said City, or by any Act concerning any assessment law or duty to be raised in the said City, or by any law now or hereafter to be in force, shall be recovered in the name of the "Mayor, Councillors and Citizens of the City of Quebec," and for the use of that Corporation, and shall belong to and form part of the general funds of the said City, and in no other name and for no other use; and it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party calling to pay the same without prosecution; and all fines or penalties that may be so paid without prosecution, shall form part of the general funds of the said City.

Assessment may be recovered from owner or tenant of real property.

LXXI. Any rate or assessment with which any real estate within the said City may be legally rated or assessed, may be exacted and recovered either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise, and when any such rate or assessment shall be paid by any tenant not bound to make such payment by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed.

Proviso.

LXXII. All debts which, from and after the passing of this Act shall become due to the said Corporation for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered, and adjudged by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in Bankruptcy in Lower Canada; Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and the year next preceding that year.

Debts due to Corporation to be privileged debts.

Proviso.

LXXIII. Every law, and every part of any law repealed by the said Ordinance to incorporate the City and Town of Quebec, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed, and all the provisions of any law inconsistent with the provisions of this Act are hereby repealed.

Laws inconsistent with this Act repealed.

LXXIV. Provided always, That nothing in this Act shall extend or be construed to extend, to revoke, alter or abridge, or in any manner affect the powers and authority now by law vested, or which may be hereafter vested in the Master, Deputy Master and Wardens of the Trinity House of Quebec, but that the said Council shall exercise exclusive jurisdiction over all the tract described in the second section of this Act.

Proviso: this Act not to affect powers of Trinity House.

LXXV. Nothing in this Act shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Nothing in this Act to affect H. M's. rights.

LXXVI. The Council of the said City may cause a general plan of the said City to be made, by which said plan, all persons whomsoever shall abide; Provided always, that the said plan shall be deposited during the space of six calendar months in the office of the Prothonotary of the Superior Court, for the District of Quebec, in the Court House of the said City, for the inspection of the public, and that due notice thereof shall be given during the said term of six months; once a week in two newspapers published in the said City, and that such notice shall mention the day on which application will be made to the said Superior Court for the homologation of the said plan, and any person who shall deem himself aggrieved thereby, shall, before the said day, file his opposition to such homologation, and the Court shall hear, try and determine in a summary manner each and every opposition

General plan of the City to be made.

Proviso.

Plan to remain six months in the office of the Prothonotary.

so filed, and shall grant costs to or against any such opposant or the Council of the said City, as to law and justice may appertain, and the said plan shall, if approved and confirmed, be attested by one of the Justices of the said Superior Court.

Council may make By-laws for the prevention of cruelty to animals.

LXXVII. The Council of the said City of Quebec is hereby authorized and empowered to pass a By-law or By-laws, to punish, either by fine or imprisonment, or both, any person or persons who shall ill-use or cruelly treat or over-drive any animal within the limits of the said City; Provided always, that such fine shall not exceed five pounds currency, nor such imprisonment, thirty days in the Common Gaol of the District.

Corporation may take more ground than actually required in certain cases.

LXXVIII. In all cases where, for the purpose of opening any new street, square, market-place, or other public highway or place, or for continuing, enlarging or otherwise improving those streets, squares, market-places, or other public highways or places now made, or as a site for any public building to be erected by the said Council, the said Council shall deem it advantageous to purchase and acquire, to take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council so as aforesaid to purchase and acquire an extent over and above what may be required for the above purposes, provided nevertheless such extent do not exceed one hundred feet in depth, by whatever length may exist.

Licenses for taverns to be granted by Council.

LXXIX. From and after the passing of this Act, all licenses to keep taverns, hotels or houses of public entertainment within the said City, shall be granted by the Council only; and the person obtaining such license shall pay to the Council a fee to be established by a By-law for the same.

Parties erecting buildings to leave a sufficient portion of street free.

LXXX. All persons occupying a part of any public street or lane while erecting any building, shall leave unoccupied and free from all embarrassments a sufficient portion of the said street to allow persons freely to pass with their horses and carriages, under such a penalty as may be imposed by the said Council.

Parties swearing falsely in taking an oath in virtue of this Act, guilty of perjury.

LXXXI. If any person shall knowingly swear falsely in taking an oath in virtue of this Act, such person shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

Interpretation clause.

LXXXII. The words "Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor, or any person authorized to execute the commission of Governor within this Province for the time being; and the word "Councillor," and the word "Councillors," wherever they occur in this Act, shall be understood as meaning any

any member or members of the said Council of the City of Quebec, unless by the context it shall appear clearly that the words "Councillor" or "Councillors" respectively are intended to apply exclusively to a member or members of the said Council, who is not or are not the Mayor of the said City; and the words "the said Corporation" or "the said Corporation of the City of Quebec," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Councillors and Citizens of the City of Quebec" unless the context necessarily requires a different meaning to be given to those words; and the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number or the masculine gender only, shall be understood to include several matters of the same kind as well as one matter and several persons, males and females, as well as one person, and bodies corporate as well as individuals, unless it be otherwise especially provided, or there be something in the subject or context repugnant to such construction.

LXXXIII. This Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices of the Peace, and others whom it may concern, without being especially pleaded or proved. Public Act.

### CAP. CLX.

An Act to increase the Tolls leviable on the Turnpike Roads in the neighbourhood of the City of Quebec, and for other purposes.

[Assented to 30th May, 1855.]

**WHEREAS** it is expedient to grant further powers to the Trustees of the Quebec Turnpike Roads, appointed under the authority of the Ordinance of the Legislature of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the Improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a Fund for that purpose*, and further to amend the said Ordinance: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble-  
Ordinance L-  
C. 4 V. c. 17-