

*Provincial Statutes of Canada*, passed in the year 1845. Montreal: Stewart Derbishire & George Desbarats, 1845.

8 Victoria – Chapter 60

**An Act to amend the Ordinances incorporating the City of Quebec. (29th March, 1845)**

Whereas it is expedient to repeal in part and to amend the Ordinance of the Legislature of Lower Canada, 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 the Ordinance of the said Legislature, 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 to vest certain additional powers in the Corporation created by the said Ordinances: 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, That the Corporation created by the Ordinance first above cited by the name of The Mayor, Aldermen and Citizens of the City of Quebec, shall hereafter be known and designated by the name of The Mayor and Councillors of the City of Quebec, but this shall not be understood to create any new Corporation, or in any way to affect any right or liability of the said Corporation or any proceeding by or against the same, which shall be continued without interruption in the corporate name hereby assigned.

II. And be it enacted, That there shall hereafter be no Aldermen of the said City, and the ninth section of the Ordinance first cited, and the fifth section of the Ordinance secondly cited, and so much of any other part of the said Ordinances or of either of them, as assigns the title of "Alderman" to any Member of the Council of the said City, or as relates in any way to the office of Alderman, shall be and is hereby repealed.

III. And be it enacted, That so much of the said Ordinances or of either of them as fixes the day of the election of Councillors of the said City shall be repealed, and that henceforth such election shall be held on the first Monday in February in each year; and the Councillors who without this Act would have gone out of office before the first Monday in February, one thousand eight hundred and forty-five, shall remain in office until that day.

IV. And be it enacted, That Saint John's Ward and Saint Roch's Ward, respectively, shall hereafter be entitled to be represented in the Council of the said City by four Councillors instead of three, any thing in the fourteenth section of the Ordinance first cited notwithstanding; and to this end the electors of each of the said Wards shall, at the election to be holden on the first Monday in February, one thousand eight hundred and forty-six, elect two Councillors instead of one; and on the first Monday in February in each year thereafter one fourth of the number of Councillors

representing each of the said Wards shall go out of office, instead of one third as provided by the said Ordinance.

V. And be it enacted, That at all elections of Councillors, hereafter, the poll shall be opened at nine of the clock in the forenoon, and if the electors be unanimous in their choice, the officer or person presiding at the election shall forthwith proclaim the candidate (or candidates) so chosen to be duly elected Councillors, without its being necessary that any poll be held; and if the election be contested in any Ward, the poll shall be kept open from nine in the forenoon, until four o'clock in the afternoon, during two days instead of one; any thing in the seventeenth section of the Ordinance first cited to the contrary notwithstanding.

VI. And be it enacted, That the Mayor or Chairman presiding at any meeting of the Council of the said City shall not vote, except in case the votes of the other Members be equally divided, in which case he shall give a casting vote; and so much of the thirty-sixth section of the Ordinance first cited, or of the eleventh section of the ordinance secondly cited, as enabled him to vote in any other case, is hereby repealed.

VII. And be it enacted, That the Council of the said City may cause to be forthwith removed from off any market, street or public place therein, any person, animal, goods or effects, which may be placed or allowed to remain upon the same, contrary to the rules and regulations of the said Council.

VIII. And be it enacted, That the Council of the said City shall be and is hereby authorized, to make By-Laws and Regulations concerning persons exercising the trade or calling of Butcher, Baker, Huckster, Pedlar, Carter, Boatman, Tavern Keeper or Inn Keeper, Porter or Messenger, and to oblige these classes of persons to take out licenses from the said Council, and to pay reasonable fees for the same.

IX. And be it enacted, That the said Council may also make By-Laws and Regulations concerning dogs, and may impose a penalty on the owners of dogs who shall contravene the same, and may cause dogs to be shut up or destroyed if found at large, when they may deem it expedient for the safety of the citizens.

X. And be it enacted, That the Council of the said City shall publish their accounts annually, in both languages, in two newspapers published at Quebec.

XI. And be it enacted, That any copy of a By-Law of the Corporation, or other document, certified by the City Clerk, 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.

XII. And be it enacted, That the Council of the said City, upon complaint of an overcharge of assessment, may reduce such overcharge in a summary manner, if after examination they shall see fit so to do.

XIII. And be it enacted, That the Council of the said City may cause a general plan of the said City to be made, by which said plan all persons whosoever 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 Her Majesty's Court of Queen's Bench 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 Court of Queen's Bench 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 so fyled, 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 Court of Queen's Bench.

XIV. And be it enacted, That the Council of the said City shall have full and exclusive jurisdiction over the beaches of the River Saint Charles, within the limits of the said City, and over each and every street and lane down to low water mark, and may make By-Laws, Rules and Regulations with respect to the same.

XV. And be it enacted, That the Councillors of the said City, who shall remove their residence permanently out of the City limits, and thereby become disqualified to sit in the City Council, shall not be subject to the penalty imposed by the twenty-ninth Section of the Ordinance first above cited, nor shall those who are absent for more than six months on business, and that part of the said Section relating to such penalty shall be and is hereby repealed: Provided always, that in such cases the Council may declare the seats of such Councillors vacant, and may cause others to be elected in their stead.

XVI. And be it enacted, That the annual election of a Mayor of the said City shall take place at a meeting of the Council, on the second Monday in February in each year; and the present Mayor and each of his successors in office may continue to act as such until another be appointed in his stead, unless he shall cease to be a member of the Council, in which case such Councillor, as the Council shall previously designate, shall act as Mayor until the new Mayor shall be elected at the annual election; and so much of the ninth section of the Ordinance secondly above cited, or of any other part of the said Ordinances as prescribes the period at which the Mayor shall go out of office, is hereby repealed.

XVII. And be it enacted, That the said Council shall and may meet for the dispatch 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 ail the Councillors not present at the adjournment; and the thirty-eighth section of the said first above cited Ordinance shall be and is hereby repealed.

XVIII. And be it enacted, That in the absence of the Mayor, the Council may appoint, one of the members thereof to act as Mayor in his stead during his absence; and all the provisions of the aforesaid Ordinances which may be repugnant to this section, shall be and are hereby repealed.

XIX. And be it enacted, That the thirty-third section of the Ordinance first above cited shall be and is hereby repealed, in so far as it authorizes any Justice or Justices of the Peace to order payments to be made out of the funds of the said City.

XX. And be it enacted, That the Council of the said City may pass a By-Law to oblige all persons to answer truly to the Assessors when in the exercise of their functions, and to imposes penalty against any person contravening such By-Law.

XXI. And be it enacted, That all monies due or payable to the said Council, may be sued for and recovered before the Commissioners' Court for the said City, or before any other Court in this Province having competent jurisdiction, according to the amount to be recovered, and the residence of the Defendant or the place where he shall be served with process, as well as before two Justices of the Peace at their weekly sittings, and may, after judgment, be levied by execution under the usual process of the Court.

XXII. And be it enacted, That the financial year, as regards all accounts of the Corporation of the said City, shall begin on the first day of January, and end on the thirty-first day of December, in each year.

XXIII. And be it enacted, That the Mayor may appoint a Deputy to the City Clerk, Treasurer, or Road Inspector, [subject to the approval of the Council of the said City,] in case of sickness or unavoidable absence of the said officers respectively.

XXIV. And be it enacted, That neither the Mayor nor any Councillor who may be a Justice of the Peace, shall preside at any weekly sittings of the peace at which any prosecution shall be brought under any By-Law of the Council of the said City.

XXV. And be it enacted, That all By-Laws made under the authority of this Act, shall be subject to the same provisions as those made under the Ordinances aforesaid, and the penalties imposed may be recovered and applied in like manner.