

CAP. XXXI

An Act respecting the provincial police.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section third of chapter first of title seventh of the Revised Statutes, comprising articles 2821 to 2876, inclusively, is replaced as follows : R. S., 2821 to 2876, replaced.

“ SECTION III.

PROVINCIAL POLICE FORCE.

§ 1.—*Constitution of Police Force.*

“ 2821. A police force, composed and organized as hereinafter provided, may be constituted. R. S. Q., 2821. Police force established.

“ 2822. The Lieutenant-Governor in Council may, from time to time, authorize the Attorney-General to appoint, by warrant under his hand, a chief of police and such number of sergeants of police and police constables as the Lieutenant-Governor in Council may think proper, not exceeding one hundred sergeants and constables, who shall respectively be selected by the Attorney-General under the provisions hereinafter made. R. S., Q., 2823. Chief of police, sergeants and police constables ; their appointment and number.

“ 2823. The constables are divided into two classes ; and, except constables of the first class who may be appointed sergeants although over forty years of age, no person shall be appointed a sergeant or a constable unless he be of sound constitution, active and able-bodied, of good character, and of the age of eighteen years or upwards and under forty. R. S. Q., 2824. Qualifications of sergeants and constables.

§ 2.—*Duties of Police Officers.*

“ 2824. The officers of the police force, hereinafter called ‘ police officers,’ take rank and have command in the following order : Rank of the respective officers.

The chief of the provincial police,—who is one of the sergeants upon whom the Attorney-General confers the command of the force ;

Sergeants ;
Constables.

Officers of the same grade, employed together upon the same service, have command according to seniority, and constables of the first class, in the absence of officers, command those of the second class.

Their duties. Their duties are such as are assigned to them respectively by this section, or as may be assigned to them by the rules and regulations made under its authority. R. S. Q., 2825.

Must read and write. “**2825.** The chief, the sergeants and first-class constables must be able to read and write either the English or the French language. R. S. Q., 2826.

Oath of office. “**2826.** No person shall exercise any office in the police force until he shall have taken the following oath of office :

Form of oath. ‘I, A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the office and duties of _____ in the police force of the Province of Quebec, and will well and truly obey all lawful orders or instructions which I shall receive as such _____, without fear, favor or affection : So help me God.’ ” R. S. Q., 2827.

Before whom to be taken. “**2827.** The oath shall be taken by all the police officers before the clerk of the Crown of the district.

By whom signed and retained. It shall be subscribed by the person taking the same and shall be retained by the Clerk of the Crown to form part of the records of his office ; and such clerk shall deliver to the person taking the oath a certificate of his having so taken and subscribed the same. R. S. Q., 2828.

Police officers to be constables for the whole Province. “**2828.** Every police officer shall, from the time of his having taken the oath of office, and so long as he shall continue such officer, be a constable for the whole Province and may execute the said office in any part thereof. R. S. Q., 2829.

Sergeants and constables to sign articles of engagement. “**2829.** Every sergeant or constable shall, on entering the police force sign the engagement, prescribed by the regulations, and any penalty, which may therein be assigned for any breach thereof, may be enforced.

Condition to be inserted in all such articles. One condition in the said articles shall always be that such sergeant or constable shall not leave the force, or withdraw from his duties, unless he shall be dismissed or discharged therefrom, or shall have previously given at least thirty days’ notice in writing to the chief of police. R. S. Q., 2830.

New articles not required on promotion. “**2830.** It shall not be necessary that any sergeant or constable should, on taking any other grade, sign a new engagement, but the engagement first signed shall continue to apply.

But any person taking a new office or charge shall take the oath of office with reference to the same. R.S.Q., 2831. Proviso as to oath.

“**2831.** No police officer shall be qualified to serve as a juror, or in any municipal office, or as a member of any municipal council, or shall vote at any election of a member of the Legislative Assembly, or of any municipal councillor or municipal officer. R. S. Q., 2832. Police officer disqualified from serving in certain offices.

§ 3.—*Headquarters.*

“**2832.** The headquarters of the police force is in the city of Quebec in the Parliament Buildings, or in any other building in the city of Quebec appointed by the Lieutenant-Governor in Council. R. S. Q., 2833. Headquarters of the police force.

§ 4.—*Management of the Police Force.*

“**2833.** The uniform, arms, training and discipline of the police force, are, from time to time, prescribed by the Attorney-General. Uniform, &c.

A certain number of police officers and men, not exceeding one-fourth of the whole force, may be mounted, and serve, either altogether or on particular occasions, on horseback. R. S., 2834. Mounted men.

§ 5.—*Rules concerning the administration of the Police Force.*

“**2834.** The Lieutenant-Governor in Council may, from time to time, make rules and regulations, not inconsistent with this section, for the government and guidance of the police force. Regulations for the force.

Such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offender, for any contravention thereof, and may direct that such penalty, when incurred, may be deducted from the offender's pay. Penalties imposed.

They may determine what officer shall have the power to declare such penalty incurred, and they shall have force as if enacted by law. R. S. Q., 2835. Regulations to determine who shall impose penalties.

§ 6.—*Interior Economy of the Police Force.*

“**2835.** The Attorney-General may, as far as practicable, reward merit and faithful service by promotion, and punish negligence or misconduct by fine, reduction or dismissal. R. S. Q., 2836. Promotions and punishments.

“**2836.** All pecuniary penalties imposed on police officers by this section, or any regulations to be made under it, shall form part of the consolidated revenue fund of the Province. R. S. Q., 2837. Penalties to form part of consolidated fund.

Suspension and dismissal of police officers.

When to take effect.

Officers suspended or dismissed to deliver up arms, &c.

Penalty in case of refusal.

Attorney-General may order inquiries to be held into conduct of police officers.

Tavern-keepers, &c., not to harbor police.

Penalty.

Personal property for police purposes under control of the chief.

Penalty for receiving arms, &c., belonging to police.

“**2837.** The chief of police and any other police officer may be suspended or dismissed by the Attorney-General; and any sergeant may be suspended from office by the chief until the matter is adjudicated upon by the Attorney-General.

Every such suspension or dismissal shall take effect from the time it shall be made known, either orally or in writing, to the party suspended or dismissed. R. S. Q., 2839.

“**2838.** The chief of police when so suspended or dismissed shall forthwith hand over to the person indicated by the Attorney-General, and the sergeant or constable suspended or dismissed shall forthwith deliver up to any officer of the force demanding the same, his arms and accoutrements, and all property used for police purposes.

In case of his refusing or neglecting so to do, he shall incur a penalty of fifty dollars, or imprisonment of two months. R. S. Q., 2840.

“**2839.** Whenever the Attorney-General deems it advisable to make or cause to be made any special inquiry into the conduct of any police officer, or into any complaint against any of them, he may under his hand appoint some person to hold such inquiry; and for that purpose such person may examine any person on oath or affirmation on any matter relative to such inquiry, and may administer such oath or affirmation. R. S. Q., 2841.

“**2840.** No keeper of a tavern or house of public entertainment or of any place where liquors or refreshments of any kind are sold to be consumed on the premises, shall knowingly harbor or entertain any police officer, or permit him to remain in such tavern, house or place, except for the express purpose of performing some duty imposed on him as a policeman.

Every infraction of this article is punishable by a fine not exceeding one hundred dollars or imprisonment not exceeding three months. R. S. Q., 2842.

§ 7.—*Management of the property of the Police Force.*

“**2841.** All personal property, purchased or acquired for police purposes is, saving the instructions of the Attorney-General, under the control of the chief of police. R. S. Q., 2843.

“**2842.** If any person unlawfully dispose of, buy or sell, or have in his possession without lawful cause, or refuse to deliver up when thereunto lawfully required, any arms, accoutrements, uniform or other thing used for police purposes, such person thereby incurs a penalty not exceeding

one hundred dollars, in the discretion of the magistrate before whom he is convicted, or imprisonment not exceeding three months. R. S. Q., 2844.

§ 8.—Security to be given for moneys received by the Officers.

“ 2843. The police officers who are to receive moneys for the purpose of this section, shall give security in the manner provided by law with regard to other public officers; and in case of any refusal or neglect to pay over or deliver, when thereunto lawfully required, such moneys and all books, papers, accounts and documents of or relating to his office, such officers shall be liable to the same penalties and process to which a revenue officer is liable in like case. Accountability of officers receiving money for police.

The chief of police keeps his books and accounts in such form, and makes such returns, at such times and with such vouchers, as the Provincial Treasurer or auditor of public accounts directs and requires, and his accounts are in all respects subject to audit in like manner as those of any other public accountant. Books and accounts. Subject to audit. R. S. Q., 2845.

§ 9.—Pay and expenses of the Police Force.

“ 2844. The Lieutenant-Governor in Council may fix the pay of the officers and men of the police force, but such pay shall not, in any case, exceed the following rates: Salaries.

- For each sergeant..... \$500 yearly
- For each 1st class constable..... 450 “
- For each 2nd class constable..... 400 “

R. S. Q., 2846.

“ 2845. The Lieutenant-Governor in Council may authorize the payment of the expenses of fuel and light for the police force, and such forage as may be necessary, and also the payment of a sum not exceeding six hundred dollars a year for contingent expenses of headquarters, and of the sums necessary for the purchase of horses, saddlery, and the arms and accoutrements of the police officers. Certain expenses may be authorized for fuel, &c.

The Lieutenant-Governor in Council may also authorize payment for a building for the headquarters, if it becomes impossible to lodge the police force in the Parliament Buildings. Also for a building for headquarters in certain event. R. S. Q., 2847, 2848.

“ 2846. The Province shall provide for the maintenance of any police officer disabled in the performance of his duty as such, by an allowance not exceeding the salary or pay actually received by him under this section at the time of his being disabled; such allowance may be paid him accordingly by order of the Lieutenant-Governor in Council. Provision for disabled men. R. S. Q., 2849.

How and out of what fund expenses paid.

" **2847.** All sums of money required to defray any expense authorized by this section shall be paid out of the consolidated revenue fund of this Province, upon warrant directed by the Lieutenant-Governor to the Provincial Treasurer ; and such warrants may be made in favor of the Attorney-General to enable him to pay such expense, or directly in favor of the party entitled to the money. R. S. Q., 2850.

Fees payable for certain services of police.

" **2848.** The chief of police, or such person as he may appoint, may receive the fees and emoluments for the performance of any duty performed by any police officer, payable by any party thereto obliged by law, which are remitted to the Provincial Treasurer to form part of the consolidated revenue fund of the Province. R. S. Q., 2851.

Accounting.

" **2849.** The Provincial Treasurer keeps a separate account of all moneys received and expended under this section, and a detailed statement thereof shall be laid before the Legislature at each session thereof. R. S. Q., 2853.

§ 10.—Duties of the Police Force.

Duties of force:

To act as peace officers;

" **2850.** The duties of the police force are :

(a) To perform all duties which are assigned to constables in relation to the preservation of the peace, the prevention of crime, and offences against the laws of the Dominion, or of the Province, or against the by-laws of the municipality in which the headquarters are, or in which they may be by the Attorney-General ordered to act, and the apprehension of criminals and offenders and others who may be lawfully taken into custody, otherwise than on merely civil process ;

To attend courts ;

(b) To attend upon the several courts of criminal jurisdiction held in the municipalities in which the headquarters are or in which they receive orders to act as aforesaid, in compliance with the orders of the Attorney-General, to execute all warrants and perform all duties and services in relation thereto which may lawfully be performed by constables ;

To escort prisoners, &c. ;

(c) To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics to or from gaols, courts, lunatic asylums and other places ;

To guard Parliament Buildings. Power for such purposes.

(d) To watch over and guard the Parliament Buildings.

2. For these purposes, and in the performance of all the duties assigned to them under the authority of this section, the members of the police force have all the powers, authority, protection and privileges, which any constable has by law, or which the constables or subconstables of the respective cities or towns have. R. S. Q., 2854.

§ 11.—*Provisions in cases of urgency.*

“ **2851.** In order that a sufficient force may be at any time obtainable to prevent or quell any riot or disturbance of the peace in any place, the Attorney-General may at any time order such of the police officers as he may deem expedient to proceed to any place in this Province where such riot or disturbance may exist or be apprehended, whether there be or not a police force at such place. R. S. Q., 2862.

Police force may be sent to quell disturbances.

“ **2852.** In case of any such riot or disturbance, or apprehension thereof, the Lieutenant-Governor in Council may authorize the Attorney-General to appoint, in addition to any number appointed under any other provision of this section, the number of police officers determined by the Order in Council.

In case of riots, additional officers and men to be appointed.

The engagement of such police officers shall last for such time as the Lieutenant-Governor in Council directs, and they shall be paid out of the consolidated revenue fund of the Province. R. S. Q., 2863.

Length of engagement and how paid.

“ **2853.** On the application of any municipal council, the Attorney-General, on condition that the council making the application undertakes to defray the expenses incurred and the pay of the additional police officers required, may send into the municipality under the control of such council the number of police officers he deems necessary.

Police force may be sent to any municipality on certain conditions.

“ **2854.** The Attorney-General may, whenever he deems it necessary send into any locality the number of police officers he deems requisite to ensure the maintenance of the peace and the prevention of crime and to search for offenders.

Police may be sent to maintain the peace in any locality.

“ **2855.** If the directors of any company then constructing any railway or other extensive work apply in writing to have a certain number of police force stationed upon or near such railway or work, and make satisfactory provision for the payment of the necessary expenses, the Lieutenant-Governor in Council may, in his discretion, authorize the Attorney-General to appoint the number of police officers required, who shall thereupon be stationed at such places and in such manner as the latter shall direct; and such application may be granted on such conditions for securing payment, and as to the length of time for which such additional police officers may be required, and upon such other terms and conditions, as to the Lieutenant-Governor in Council shall seem meet. R. S. Q., 2861

Railway and other companies may have a police force on certain conditions.

Section not to prevent appointment of special constables.

“**2856.** Nothing in this section shall be construed to prevent the appointment of special constables in any case in which they may by law be appointed, but whenever such special constables are appointed in any city, town or place in which there lawfully are or to which have lawfully been sent officers of the provincial police force, if the chief or any sergeant of such police is present, such special constables act under and obey the orders of such sergeant or officer, and assist the provincial police force in the execution of their duties, and, while so acting [and assisting, have all the powers of police constables; but such special constables shall be entitled to be paid in those cases only in which they would be so entitled if acting alone, and, if entitled to pay, shall be paid at the same rates, in the same manner, and out of the same fund as if acting alone. R. S. Q., 2864.

§ 12.—*Special Provisions.*

I.—POLICE FURNISHED BY MUNICIPALITIES.

Certain cities and municipalities bound to furnish policemen for terms of criminal courts.

“**2857.** Every city or municipality in which a police force is maintained, otherwise than under the provisions of this section, is bound, whenever required so to do by the Lieutenant-Governor in Council, to place a certain number, not exceeding thirty of the men of such force, under the control of the sheriff of the district, during each term of the Court of Queen’s Bench holding criminal pleas, and each term of general sessions of the peace, and during eight days before, and eight days after each such term. R. S. Q., 2865.

Duties of such men :
To attend court, &c. ;

“**2858.** It is the duty of such men :

1. To attend upon the court and to execute all warrants and perform all the duties and services in relation thereto which may lawfully be performed by constables ;

To perform all duties of constables.

2. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics, to or from gaols, courts, or lunatic asylums and other places. R. S. Q., 2866.

How sheriff shall act in case of refusal to furnish said men.

“**2859.** If such city or municipality refuse or neglect to comply with the provisions of article 2857, the sheriff may employ and pay such other men as may be required and recover the amount of any expenses so incurred by him from such city or municipality, by action before any court of competent jurisdiction, and in default of payment within fifteen days after the judgment, he shall proceed to levy the same in accordance with the provisions of article 2865. R. S. Q., 2867.

II.—PAYMENT BY MUNICIPALITIES.

“ **2860.** Each municipality, into which any police officers are sent at the request of its council, shall pay, without delay, to the Provincial Treasurer, the amount agreed upon, or the amount of the expenses incurred or the pay of the additional police officers. R. S. Q., 2868. Municipality to which police officers are sent to pay amount required.

§ 13.—Suits and Prosecutions.

“ **2861.** Every action or prosecution against any police officer, for anything done by him as such, shall be brought in the district where the act complained of was done, and shall not be commenced after the end of six months from the doing of such act, or until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant. Limitation of actions.

In any such action the defendant may plead the general issue and give the special matter in evidence at the trial. Notice of action.

No plaintiff shall recover in any such action if a tender of sufficient amends were made before the action was brought, or a sufficient sum of money have been paid into court by the defendant after the action was brought. R. S. Q., 2871. Plea and proof.

“ **2862.** All fines or pecuniary penalties imposed under the authority of this section, are, whenever no other mode of recovery is prescribed, recoverable in a summary manner before any justice of the peace; and the laws in force with regard to proceedings in cases of summary convictions shall apply to proceedings for the recovery of penalties under this section, in so far as they may not be inconsistent therewith. R. S. Q., 2872. Plaintiff not to recover in certain cases.

“ **2863.** Common reputation is held to be sufficient evidence of the due appointment of any police officer, and of his right to act as such, without producing any appointment or oath or other matter in proof of such right. R.S.Q., 2873. Recovery of penalties not otherwise provided for.

“ **2864.** Every municipal council shall have power to raise and levy all sums which the municipality may require to pay under this section. R.S.Q., 2875. Evidence of appointment of police officer.

“ **2865.** The sums to be paid to the Provincial Treasurer under the provisions of this section shall be recovered in Her Majesty's name, before any competent court, upon the certificate of the Attorney-General, and being paid or recovered, shall form part of the consolidated revenue fund. Municipal councils may levy sums required.

In default of the said sums being paid within fifteen days after a certificate of the Provincial Treasurer of the amount required to be levied shall have been lodged with the sheriff How sums to be paid shall be recoverable.

How levied in default of payment.

of the district in which such city or municipality is situate, such sheriff shall proceed, either in the manner provided by the Municipal Code of the Province of Quebec, or, *mutatis mutandis*, in the manner provided for like cases, in the city of Quebec, by section 23 of the act 29 Victoria, chapter 57, respecting the incorporation of the said city, to levy and collect the said amount. R. S. Q., 2876.”

TRANSITORY PROVISIONS.

Repealing
clause, &c.

2. Any act, regulation, order in council or portion thereof incompatible with this act are repealed, and the regulations and orders in council not incompatible therewith remain in force until they are amended or repealed in conformity with the provisions of this act.

Certain present
police officers
continued
in office.

3. The police officers, whose office is not abolished by this act, shall continue to perform their duties in virtue of this act, without being obliged to comply with any formality until they are replaced in virtue of the provisions of this act.

Effect of re-
peal.

4. The above repeal of the third section shall not have the effect of operating the remission of penalties incurred or of sums due in virtue thereof, but such penalties shall be imposed and carried into execution, at the suit of the Attorney-General, and the sums due collected by him in virtue of the repealed law.

Coming into
force.

5. This act shall come into force on the day of its sanction.

CAP. XXXII

An Act to amend the law respecting mutual benefit associations and charitable associations.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 3096 to
3104a, re-
placed.

1. Chapter first of title eighth of the Revised Statutes, comprising articles 3096 to 3104, and chapter first (A) of the same title, comprising article 3104a, as enacted by the act 52 Victoria, chapter 33, section 1, are replaced by the following :