

3. All judicial sales of property belonging to minors and absentees, made before the passing of this act, shall be deemed to be valid notwithstanding any failure to annex to the deeds thereof the certificates of the publishers of the newspapers, or the newspapers themselves, in which such sales were published, if the necessary publications were made, and if the deeds of such sales mentioned the newspapers in which such publications were made; provided always, that such deeds of sale are valid in other respects. Certain sales of property of minors declared valid notwithstanding certain omissions.

4. Whereas, since the promulgation of the civil code, many judicial sales of the property of minors and of absentees have taken place, without the presence of the subrogate-tutor, contrary to the provisions of article 299 of the said code; it is hereby enacted that such sales shall be valid if in addition to the necessary formalities, other than those prescribed by the said article 299, having been in all respects observed, the subrogate-tutor interested in the sale ratifies and signs the deed of sale; and from such time, the sale so made, shall be, to all intents and purposes whatsoever, as binding and valid, as if the same had been made in the presence of the subrogate-tutor, and he had himself become a party thereto. Ratification of subrogate-tutor, sufficient without his presence, 299 C. C.

5. The provisions of this act shall not in any way prejudice the acquired rights of any parties to suits now pending before any court of justice in this province. Acquired rights not affected.

C A P. X X I V.

An Act for establishing a general system of Police in this Province.

[Assented to 1st February, 1870.]

WHEREAS it is expedient to establish an efficient and uniform system of police in this province, and to organize a competent constabulary force for carrying out the same; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Québec, enacts as follows: Preamble.

CONSTITUTION AND ORGANIZATION.

1. There shall be, in and for this province, a police force, to be constituted and organized as hereinafter provided. Police force to be established.

2. The lieutenant-governor in council may, from time to time, as may be found necessary, appoint by commission, a commissioner of police and one or more superintendents of police, each of whom shall hold office during pleasure. Appointment of superior officers.

Inferior officers and men; their appointment and number.

3. The lieutenant-governor in council may, from time to time, authorize the commissioner to appoint, by warrant under his hand, 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 commissioner under the provisions hereinafter made, and such constables shall be divided into two classes.

Rank of the respective officers.

4. The officers of the force shall take rank and have command in the following order, that is to say: the commissioner, the superintendents, the sergeants, the constables.

Their duties.

Officers of the same grade, employed together upon the same service, shall have command according to seniority, and constables of the first class shall, in the absence of officers, command those of the second class: and the duties of each shall be such as are assigned to them respectively by this act, or as may be assigned to them by the rules and regulations to be made under the authority of this act.

Qualifications of sergeants and constables.

5. No person shall be appointed a sergeant or a constable unless he be of a sound constitution, active and able-bodied, of good character, and of the age of eighteen or upwards and under forty; but constables of the first-class may be appointed sergeants although over forty years of age. The sergeants and first-class constables must be able to read and write either the English or the French language. This clause shall not apply to men at present employed in any police force in this province.

Oath of office.

6. No person shall exercise any office or charge in the 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 of or towards any person or party whomsoever: So help me God."

Before whom taken.

7. The oath shall be taken by the commissioner and the superintendents before the clerk of the crown of the district, and by the other members of the force, before the commissioner or one of the superintendents; it shall be subscribed by the person taking it, and shall be retained by the person who shall have administered it, to make part of the records of his office, and he shall deliver to the person taking the oath a certificate of his having so taken and subscribed the same.

How recorded.

Officers and men to be constables for the

8. Every officer and man of the force shall, from the time of his having taken the oath of office, and so long as he shall continue such officer or policeman, be a con-

stable for the whole province, and may execute the said office in any part thereof. whole Province.

9. Every sergeant or constable shall, on entering the force, sign articles of engagement, prepared by the commissioner, and any penalty which may therein be assigned for any breach thereof, may be enforced; and one condition in the said articles shall always be that he 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 superintendent under whose command he shall be. Such articles shall be signed by the commissioner, or one of the superintendents in his behalf, and the engagement shall be contracted to the commissioner, and may be enforced by the commissioner for the time being. Sergeants and constables to sign articles of engagement. Condition to be inserted in all such articles.

10. It shall not be necessary that any constable should, on taking any other grade, again sign articles, unless he be required so to do by the commissioner, but the articles 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. New articles not required on promotion.

11. No officer or man of the police force 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, so long as he shall serve in the said force. Disqualified from serving in certain offices.

12. The lieutenant-governor in council shall appoint the place at which the headquarters of the force shall be, and where the office of the commissioner shall be kept; and shall provide such accommodation and grounds as may be necessary. Head-quarters of the force; office of the commissioner.

ARMS, DISCIPLINE, &c.

13. The uniform, arms, training and discipline of the force shall be such as the commissioner shall, from time to time, prescribe, with the approval of the lieutenant-governor in council; and any number of the officers and men, not exceeding one-fourth of the whole force, may be mounted, and serve, either altogether or on particular occasions, on horseback. Uniform, training, &c.

14. The commissioner shall, with the approval of the lieutenant-governor in council, from time to time, make rules and regulations not inconsistent with this act, for the government and guidance of the force and of the officers and men thereof. 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 Commissioner with approval of lieutenant-governor in council, to make regulations for the police.

that such penalty, when incurred, may be deducted from the offender's pay; they may determine what officer shall have power to declare such penalty incurred, and to impose the same, and they shall have force as if enacted by law.

Promotion for merit and faithful service may be practicable, to reward merit and faithful service by promotion, and to punish negligence, or misconduct by fine, reduction or dismissal.

15. It shall be the duty of the commissioner, as far as may be practicable, to reward merit and faithful service by promotion, and to punish negligence, or misconduct by fine, reduction or dismissal.

Certain penalties and percentage of pay to be applied to special fund.

16. All pecuniary penalties imposed by this act, or any regulations to be made under it, on officers or men of the police force, shall form part of a fund to be managed by the commissioner, with the approval of the lieutenant-governor in council, and applicable to the payment of such rewards, and retiring allowances as may be established by the commissioner with the said approval; and if a system of retiring allowances be established as aforesaid, then the commissioner may deduct a rate not exceeding five per cent from the pay of the sergeants and constables, to form part of the said fund; but no money forming part of the said fund shall be invested otherwise than in Dominion or provincial securities.

As to fines recovered on information of police.

17. So much of every fine or pecuniary penalty recovered upon the information or evidence of any officer or man belonging to the police force as shall by law belong to the informer or person upon whose evidence the same shall be imposed or recovered, shall be paid to the commissioner, and shall form part of the special fund mentioned in section sixteen; and in suits or prosecutions, other than those of a criminal nature, no officer or man shall be incompetent as a witness by reason of his contingent interest in the said fund.

Suspension or dismissal of officers or men.

18. Any sergeant or constable may be suspended from his charge or dismissed by the commissioner or by any superintendent to whom the commissioner shall have delegated the power to do so; and any superintendent may be suspended from office by the commissioner until the pleasure of the lieutenant-governor in council shall be known. 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.

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

19. Any officer or man 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, or by this act vested in the commissioner, or, in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars, or imprisonment for two months.

20. 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 harbour or entertain any man belonging to the police force, 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 section shall be punishable by a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.

Penalty on tavern-keepers &c., harbouring policemen.

21. Whenever the commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any officer or man, or into any complaint against any of them, he, or the officer whom he may under his hand appoint for that purpose, may examine any person on oath or affirmation, on any matter relative to such enquiry, and may administer such oath or affirmation; but nothing herein shall be construed to prevent the lieutenant-governor from issuing a commission of enquiry in any such case if he shall think it advisable.

Commissioner may enquire into certain matters on oath

MANAGEMENT OF PROPERTY.

22. All personal property purchased or acquired for the police purposes, and not vested in any other person, shall be vested in the commissioner, and may be so laid in any action, legal proceeding or instrument whatever, but shall be held and dealt with by him for the public uses of the province and the purposes of this act, with full power nevertheless to dispose of the same for the said purposes, subject always to such instructions as he shall receive in this behalf from the lieutenant-governor in council, and the commissioner shall have full power to acquire on behalf of the province any real property which it may be necessary to acquire for the purposes of this act, and the same being conveyed to him, on behalf of the province for such purposes shall thereby become vested in the province.

Personal property held for police purposes vested in the commissioner.

Real property.

23. If any person shall unlawfully dispose of, receive, buy or sell, or have in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any arms, accoutrements, uniform or other thing used for police purposes, and hereby vested in the commissioner, such person shall thereby incur a penalty not exceeding one hundred dollars, in the discretion of the magistrate before whom he shall be convicted, or imprisonment not exceeding three months.

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

SECURITY FOR MONEYS.

24. The commissioner and any other officer who is to receive moneys for the purposes of this act, shall give se-

Accountability of officers receiving money

for police purposes.

curity in the manner provided by law with regard to other public officers, and such commissioner or other officer shall as regards such moneys and all books, papers, accounts and documents of or relating to his office, be liable, in case of any refusal or neglect, to pay over or deliver the same, when thereunto lawfully required, to the same penalties and process to which an officer of the provincial revenue is liable in like case ; and he shall keep his books and accounts in such form, and make such returns, at such times and with such vouchers as the treasurer or auditor of public accounts shall direct and require, and his accounts shall in all respects be subject to audit in like manner with those of any other public accountant.

PAY AND EXPENSES.

Lieutenant-governor in council to fix salaries and pay within certain limits.

25. 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 :

For the commissioner.....	\$2,000 00	per an.
For each superintendent.....	1,200 00	"
For each sergeant.....	500 00	"
For each 1st class constable.....	450 00	"
For each 2nd class "	400 00	"

Towns, &c., to furnish station-houses and other buildings, other than barracks.

26. Proper station-houses, lock-up houses, and other buildings required for police purposes, other than barracks, shall be furnished by each city, town, or municipality in which a police force shall be stationed, or if they be not so furnished shall be procured under orders of the lieutenant-governor in council, and the expense shall be paid by such city, town, or municipality to the treasurer, and be recoverable in the same manner as the other sums payable to him under this act.

Certain expenses may be authorized by the lieutenant-governor in council.

27. The lieutenant-governor in council may also authorize the payment of the expense 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 the commissioner's office, and of the sums necessary for the horses, saddlery, and the arms and accoutrements of the sergeants and constables of the force.

Provision for disabled policemen.

28. The province will provide for the maintenance of any officer or man of the force disabled in the performance of his duty as such, by an allowance, not exceeding the salary or pay actually received by him under this act at the time of his being disabled, and such allowance may be paid him accordingly by order of the lieutenant-governor in council.

29. All sums of money required to defray any expense authorized by this act, may be paid out of the consolidated revenue fund of this province, upon warrant directed by the lieutenant-governor to the treasurer; and such warrants may be made in favor of the commissioner to enable him to pay such expense, or directly in favor of the party entitled to the money. How and out of what fund expenses shall be paid.

30. The fees and emoluments by law payable to any constable, for the performance of any duty which shall hereafter be performed by any officer or man of the force, shall be payable by the same party to the commissioner or such person as he may appoint to receive the same, and may be recovered by him in the same manner as without this act they would be recoverable by the person entitled thereto; and, being so received or recovered, shall be paid over to the treasurer and make part of the consolidated revenue fund. Fees payable for certain services of the police how applied.

31. The treasurer shall keep a separate account of all moneys received and expended under this act, and a detailed statement thereof shall be laid before the legislature at each session thereof. Accounting clause.

MONEY CONTRIBUTED BY MUNICIPALITIES.

32. Each city, town or municipality, in which any part of the force shall be stationed, shall pay annually to the treasurer a sum not exceeding in the whole five hundred dollars for each officer and man so stationed thereat. This annual payment shall be made before the expiration of each year, and the years shall be computed from the day fixed for the coming into effect of this act, by the proclamation issued in virtue of section thirty-six. Provided that no such municipality shall be compelled to pay in proportion to its population more than it may now pay for its existing police force. Each city, &c., where police are stationed, to pay an annual sum to treasurer. When such payment is to be made.

33. But, for the purpose of ascertaining such sum, no city, town or municipality shall be bound to count any number of officers and men of the force exceeding the proportion of one to every thousand souls of the population of such city, town or municipality according to the then last census. Number so stationed not to exceed a certain proportion to the population.

34. Every municipal council shall have power to raise and levy all sums which the municipality may require to pay under this act. Municipal councils may levy sums required under this act.

35. The sums to be paid to the treasurer under the provisions of this act may be recovered in his official name, before any competent court, upon the certificate of the commissioner, and being paid or recovered, shall form part of the consolidated revenue fund; and in default of the How sums to be paid shall be recoverable.

said sums being paid within fifteen days after a certificate of the treasurer of the province of the amount required to be levied shall have been lodged with the sheriff of the district in which such city or municipality is situate, such sheriff shall proceed, either in the manner provided or to be 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 twenty-three of the act twenty-ninth Victoria, chapter fifty-seven, to levy and collect the said amount.

DISTRIBUTION OF THE FORCE.

Proclamation when the police is organized.

36. So soon as the lieutenant-governor in council shall deem the force sufficiently organized, a proclamation shall be issued, declaring that upon, from and after a day to be therein named, this act will come fully into effect, and that a police force will, under this act, be stationed in the city of Quebec.

Number of police force at each station how determined.

37. Such number of officers and men of the force as the commissioner shall from time to time determine, with the approval of the lieutenant-governor in council, shall be stationed in each city, town or place in which a police force may then be lawfully stationed under this act.

Commissioner to station the officers and men.

38. The commissioner shall have full power to direct which of the officers and men shall be stationed at each place where a police force shall be stationed under this act, and to move them from place to place; and it shall be his duty, from time to time, and in his discretion, to change their respective stations.

To have especial charge of the peace in the place where they are stationed.

39. The officers and men stationed at any city, town or municipality shall have the especial charge thereof, and they shall then be more especially responsible that the peace be kept therein and in the immediate neighborhood thereof; but this shall not prevent their acting elsewhere, or excuse them from so acting when lawfully required.

No city, &c., at which police is stationed under this act, bound to have any other police force.

40. No city, town or municipality, at which a police force shall be stationed under this act, shall be bound to have or maintain any other police force, and the councils or police boards of all such cities or towns, are hereby relieved from any obligation in that respect, at present imposed upon them by law.

EXTENSION OF THE SYSTEM.

Police force may be increased on application of

41. Notwithstanding any limitation hereinbefore made of the total number of officers and men of the said force, the lieutenant-governor in council may, upon the appli-

cation of the municipal council of any city, town or municipality, under the authority of a by-law thereof, empower the commissioner to appoint such additional number of officers and men as may be required to enable him to make such addition to the force in such city, town or municipality as the said council shall require and agree to pay the expenses of; and such application may be granted on such conditions for securing such payment, and as to the length of time for which such addition to the force may be required, and upon such other terms and conditions as to the lieutenant-governor in council shall seem meet.

Municipalities
and Railway
companies, &c.

42. If the municipal council of any city, town or municipality in which there is no police force stationed under this act shall, by a by-law, declare it expedient that a police force should be stationed therein, stating the number required, and shall by such by-law provide the means of paying annually to the treasurer a sum not exceeding in the whole five hundred dollars for each officer or man required, then the lieutenant-governor in council may, in his discretion, upon the petition of such municipal council, accompanied by a certified copy of such by-law, cause a proclamation to be issued declaring that, upon, from and after a day to be therein named, such city, town or municipality shall be one of the places in which a police force shall be stationed under this act, and may authorize the commissioner to appoint the additional number of officers and men required, and a sufficient force shall be accordingly stationed therein while such by-law remains in force; and such by-law shall not be repealed without the consent of the lieutenant-governor in council.

Other towns,
&c., may have
a police force
upon applying
for it and pay-
ing expenses.

43. 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, order the commissioner to appoint the number of officers and men required, who shall thereupon be stationed at such places and in such manner as the commissioner shall direct; and such application may be granted on such conditions for securing payment, and as to the length of time for which such addition to the force may be required, and upon such other terms and conditions, as to the lieutenant-governor in council shall seem meet.

Railway and
other com-
panies may
have a police
force on certain
conditions.

PROVISIONS IN CASE OF EMERGENCIES.

44. In order that a sufficient force may be at any time obtainable to prevent or quell any riot or disturbance of

Police force
may be sent to
any place to

quell disturbance.

the peace in any place, the commissioner may at any time order such amount of police force as he may deem expedient to proceed to any place in this province where such riot or disturbance may exist or be apprehended, and whether there be or not already a police force at such place.

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

45. In case of any such riot or disturbance, or apprehension thereof, the lieutenant-governor in council may authorize the commissioner to appoint, in addition to any number appointed under any other provision of this act, such a number of officers and men as the lieutenant-governor in council may deem necessary. The engagement of such officers and men shall last for such time as the lieutenant-governor in council shall direct, and they shall be paid out of the consolidated revenue fund of the province.

Length of engagement and how paid.

Act not to prevent appointment of special constables.

46. Nothing in this act 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 shall be appointed in any city, town or place in which a police force shall be stationed under this act, or to which a police force shall have been sent under the provisions of this act, or the ordinary constabulary force, shall be called upon to act in such last-mentioned place, then if there be any sergeant or officer of the police force present, such special constables or ordinary constabulary force shall act under and obey the orders of such sergeant or officer, and shall assist the police force in the execution of their duties, and, while so acting and assisting, shall have all the powers of police constables; but such special constables or ordinary constabulary force 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.

Provision when police and ordinary constables act together.

DUTIES OF THE FORCE.

47. It shall be the duty of the force :

To act as peace officers.

1. To perform all duties which are now, or which shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws of the dominion or of the province, or against the by-laws of the municipality in which they may be stationed or lawfully 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 ;

2. To attend upon the several courts of criminal jurisdiction held in the cities, towns or municipalities in which they may be stationed, and, subject to the orders of the commissioner or of a superintendent, to execute all warrants and perform all duties and services in relation thereto which may lawfully be performed by constables; Attending courts.

3. 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. Escorting prisoners.

And for these purposes, and in the performance of all the duties assigned to them by or under the authority of this act, they shall have all the powers, authority, protection and privileges, which any constable now has or shall hereafter by law have, or which the constables or sub-constables of the respective cities or towns now have. Their powers for these purposes.

SUITS AND RECOVERIES.

48. Every action and prosecution against an officer or man of the police force, 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, nor until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant; and in any such action the defendant may plead the general issue and give the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought. Limitation of actions for things done under this act.

49. All fines or pecuniary penalties imposed by or under the authority of this act, shall, whenever no other mode of recovery is hereby prescribed, be recoverable in a summary manner before any one justice of the peace; and the law in force with regard to proceedings in cases of summary convictions and orders out of sessions shall apply to proceedings for the recovery of penalties under this act in so far as they may not be inconsistent with this act. Recovery of penalties not otherwise provided for.

50. Common reputation shall be held to be sufficient evidence of the due appointment of any officer or man of the police force, and of his right to act as such, without producing any appointment or oath or other matter in proof of such right. Evidence of appointment of police officer, &c.

ADDITIONAL PROVISIONS.

51. Every city or municipality in which a police force is or shall hereafter be maintained, otherwise than under Certain cities and municipalities bound to

furnish police-men for terms of criminal courts.

the provisions of this act, shall be 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 or quarter sessions of the peace, and during eight days before, and eight days after each such term.

Duties of men so furnished.

52. It shall be the duty of such men :

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

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

53. If such city or municipality should refuse or neglect to comply with the above provisions of section fifty-one, 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 rendered in his favor in any such action, he may proceed to levy the same, in accordance with the provisions of section thirty-five.

NAME OF THE ACT.

Short title.

54. This act shall be known and may be cited as "The Quebec Police Act."

C A P . X X V .

An Act further to amend the law respecting Education in this Province.

[Assented to 1st February, 1870.]

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

School commissioners of Quebec and Montreal after certain formalities may issue bonds to purchase land or build school-houses.
32 V., c. 16, s. 35.

1. Whenever the school commissioners of either of the cities of Quebec or Montreal, shall have determined to lay aside any portion of their revenues for the purchase of land or the construction of one or more school-houses, and shall have obtained the approval of the lieutenant-governor in council for the purpose, as provided in section thirty-five of the statutes of the province of Quebec, thirty-second Victoria, chapter sixteen, the said school commissioners shall notify the city treasurer thereof, and of the amount so de-

