

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 10

An Act to vest in the City of Montreal the property of the Common of Montreal, and for other purposes relating to the said Common. (31st March, 1831.)

Whereas the Seigniors [Seigneurs] of the Island of Montreal, did, in the year of Our Lord one thousand six hundred and fifty-one, concede and set apart forty arpents of Land within the said Island as a Common for the use of the inhabitants of the City of Montreal, reserving to themselves the right of resuming and revoking the whole or any part of the said grant, if they should deem it expedient, on condition of their granting and conceding at the same place and for the same purpose an equal extent of Land; and whereas the Seigniors of Montreal have in fact resumed the greater part of the said land, on which a considerable portion of the City of Montreal is now built, but the deed by which they granted and substituted other forty arpents of land, in the place and stead of the land granted under the deed first above-mentioned cannot be found;—And whereas the present Seigniors in possession of the said Island of Montreal, being satisfied that the deed mentioned in the second place was passed, but cannot now be produced, are willing to grant a new title to the said last mentioned forty arpents, in favor of such persons as may be authorized to accept the same;—And whereas it is now very difficult, if not altogether impossible, to ascertain what persons among the owners of real property in the said City, are the representatives of those who by their titles had a right of Common in the said land, and to whom it would now be competent to accept such grant or concession;—And whereas the said land cannot now be appropriated with advantage to the purpose for which it was originally set apart by reason of its proximity to the City of Montreal, and to the Lachine Canal, which is in part cut through it;—And whereas the said land having been for a long time unoccupied, is subject to be daily encroached upon by individuals, because there is no person whose right to resist such encroachment can be established;—And whereas it is of great importance to the interest of the said City of Montreal, that the possession of the said land should be secured to the said City, to the end that it may be appropriated to purposes of public utility and convenience:—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain, parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for three or more Justices of the Peace, resident in Montreal, and they are hereby authorized to accept in the name of the said City of Montreal, from the Ecclesiastical Community of the Seminary of Saint Sulpice at the aforesaid place, Seigniors in possession of

Montreal aforesaid, a new deed or grant, or a deed confirming and ratifying that which was formerly made, so as to vest in the said Justices of the Peace, for and in the name of the said City of Montreal, the property of the Common, containing about forty arpents in superficial extent, situate in the place called La Plaine Sainte Anne, and lying between the River Saint Lawrence, and that part of the Fief Nazareth, whereon the Sainte Anne Suburb now stands. Provided always that the said Seigniors shall not be liable nor responsible for encroachments which may have been made on the said Common by any person or persons whomsoever.

II. Provided always and be it further enacted by the authority aforesaid, that nothing herein-contained shall be construed to authorize the said Justices, or the corporation hereinafter mentioned, or any person or persons substituted by them to cross or in any manner to interfere with any part of the ground occupied by the Lachine Canal, or contained within the Fences erected by the Commissioners for superintending, preserving, and keeping in repair the said Canal, to designate the ground applicable for the purposes thereof.

III. And be it further enacted by the authority aforesaid, that by virtue of the said deed or grant so made and accepted as aforesaid, and by virtue of this Act, the said Common (subject to the proviso above said) shall become public property; and as such shall be under the control of the Justices of the Peace residing in the said City of Montreal.

IV. And be it further enacted by the authority aforesaid, that the said Justices of the Peace may employ the funds at their disposal, to defray the expence of inclosing the said Common according to Law, and shall cause an exact plan of the said forty arpents of land to be made as soon as possible, and that it shall not be lawful for the said Justices to alienate or sell any part of the said Common, without being thereunto authorized by the Legislature, before whom they shall have laid the said plan setting forth the use they intend to make of part, or of the whole of the said land, and what part they intend to sell or alienate.

V. And be it further enacted by the authority aforesaid, that so soon as an Act shall be passed for the Incorporation of the City of Montreal, the said land and all its appurtenances shall become the absolute property of and be vested in the said Corporation of the said City, as shall also all Deeds, Contracts, and Plans, which shall then be in the possession of the said Justices, and that the said Corporation shall be fully invested with all the rights, and be entitled to all the profits and revenues, and shall be subject to all the duties and obligations to which by virtue of this Act, the said Justices of the Peace, may be entitled or subjected, or to which they may be subject at the time of the passing of the said Act of Incorporation Provided always, that the said Corporation shall have the right of selling or otherwise disposing of the ground of the said Common, the ground herein reserved for the purposes of the Lachine Canal excepted, without the intervention of the Legislature.

VI. And be it further enacted by the authority aforesaid, that this Act shall not extend to affect or lessen in any manner the rights of His Majesty, his Heirs and Successors, or of any body politic or corporate, or of the Seigniors of Montreal aforesaid or other person or persons, but that His Majesty, his Heirs or Successors, ail bodies politic or corporate, as well

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as the said Seigniors, or other person or persons, shall possess and exercise all the rights which they and each of them had before the passing of this Act.