

*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 54

**An Act to incorporate the City of Montreal.**

31st March, 1831.—Presented for His Majesty's Assent and reserved "for the signification of His Majesty's pleasure thereon."

12th April, 1832.—Assented to by His Majesty in His Council.

5th June, 1832.—The Royal Assent signified by the Proclamation of His Excellency the Governor in Chief.

Whereas it is expedient to incorporate the City of Montreal, the more efficaciously to provide for the future improvement of and convenience of the said City: 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 of Quebec in North America." And it is hereby enacted by the authority of the same, that the Inhabitants of the City of Montreal aforesaid, qualified as hereinafter mentioned, shall be and they are hereby declared to be a Body Politic and Corporate, in name and in deed, under the style or title of "The Corporation of the City of Montreal," and shall as such have succession, and be capable in Law to, borrow money as hereinafter mentioned, to take, purchase and acquire, by donation, legacy or in any other manner, hold and possess Goods and Chattels, Lands and Tenements, real and immoveable Property, to them and their Successors, for the purposes of this Act; and also, to give, grant, sell, let or assign the same, and shall be capable in Law to sue and be sued, plead and be impleaded, in any of His Majesty's Courts in this Province, and may have a common seal, and the same from time to time at their will may break, alter and amend.

II. And be it further enacted by the authority aforesaid, that every male person of the age of twenty-one years, being Proprietor of a House, and of the ground on which the same is built, and paying Assessment, or of a vacant lot of ground paying assessment within the said City of Montreal, and who shall have resided in the said City of Montreal during twelve Calendar months, before the time of the Election, (as hereinafter mentioned,) without any other interruption than that occasioned by mere temporary absence, shall be held and considered to be a Member of the said Corporation, and as such shall enjoy all the rights, privileges and advantages granted by this Act.

III. And be it further enacted by the authority aforesaid, that for the purposes of this Act, the said City of Montreal, shall be divided into eight Wards in the manner hereinafter mentioned, and there shall be established therein a Common Council, composed of sixteen Members of the said Corporation, seven of whom shall form a Quorum, such Members being qualified, chosen, and elected, as hereinafter set forth, and that the said Common Council shall have the power of electing annually a Mayor, who shall on all occasions form one of the Quorum, except in cases of unavoidable absence as hereinafter provided, and to elect and appoint such Officers as the said Common Council may judge necessary, to whom they may allow such remuneration or annual salary, out of, the funds of the said Corporation, as may to them appear just and reasonable.

IV. And be it further enacted by the authority aforesaid, that the eight wards of the said City of Montreal, shall be divided, bounded, and limited as follows, that is to say: The East Ward of the said City, on the south east by that part of the river Saint Lawrence, between Lacroix street and Saint Joseph street; on the southwest by the middle of Saint Joseph street as far as Notre Dame street, then by the row of houses of the Place d'Armes, in continuation of Saint James street, and the middle of the continuation of Saint Joseph street, from Saint James street to Craig street, on the northwest by the middle of Craig street, beginning at Saint Joseph street, and thence by the middle of Saint Louis street, as far as Lacroix street; lastly, on the north east by the centre of Lacroix street, from Saint Louis street to the river or point of departure.

The West Ward of the City; on the south east by that part of the river Saint Lawrence, between Saint Joseph street and the mouth of the Little River, and thence by the middle of the said Little River, as far as Charland's New Bridge, opposite to McGill street; on the south west by the middle of McGill street of La Place des Commissaires, and of Saint Radegonde street, as far as Craig street: on the north west by the middle of Craig street, as far as Saint Joseph street: on the north east by the middle of Saint Joseph street, from Craig street to Saint James street, then by the three sides of the Place d'Armes not included in the East Ward lastly, by the middle of Saint Joseph street, from Notre Dame street to the river or point of departure.

Saint Ann's Ward shall comprise La Pointe a Calliere and Saint Ann's Suburbs: the limits of the said Ward shall be; on the south east, that part of the River Saint Lawrence, between the mouth of the Little River [Rivière Saint-Pierre], and the limits of the City, beyond Point Saint Charles; on the north west by the middle of the Little River, from its mouth to the new Charland's Bridge, and thence the middle of Foundling street (Rues des Enfants trouves) and of William street, as far as it is now opened, and of the proposed continuation of the last named street, as far as the limits of the City; lastly, on the south west the limits of the said City.

Saint Joseph Ward shall comprise all the Saint Joseph or Recollect suburbs, the limits of the said Ward shall be: on the south east, those of Saint Ann's Ward, from the middle of McGill

street, continued as far as Foundling street, to the limits of the City; on the north west the middle of Saint Bonaventure street, throughout its present length, and its proposed continuation, to the limits of the City: on the north east the middle of McGill street, and of part of La Place des Commissaires, from Foundling street to Bonaventure street aforesaid: lastly, on the south west, the limits of the said City.

Saint Anthony's Ward shall comprehend all the suburbs of that name: the limits of the said Ward shall be on the south east, those of Saint Joseph's Ward: on the north west, the limits of the City; on the north east the middle of part of La Place des Commissaires, beginning at Saint Bonaventure street, and the middle of Saint Radegonde street, throughout its whole length, and of the proposed continuation of the said last mentioned street, to the limits of the City; lastly, on the south-west, the limits of the said City.

Saint Lawrence Ward shall comprise that part of the Suburbs of the same name, lying between Saint Radegonde street and Saint Lawrence street : the limits of the said Ward shall be on the south-east, those of the West Ward, and of part of the East Ward, between the said last named streets; on the north-west the limits of the City; on the north-east the middle of Saint Lawrence street, from Craig's street to the limits of the City; lastly, on the south-west, the limits of Saint Anthony's Ward, from Craig street aforesaid, to the limits of the City.

Saint Louis' Ward shall comprise the remaining part of the Saint Lawrence Suburbs, as far as Sanguinet street, and the whole of the Saint Louis suburbs : the limits of the said Ward shall be; on the south east those of the East Ward of the City, from Saint Lawrence street to Lacroix street; on the north-west the limits of the City; on the north-east the middle of Lacroix street, throughout its whole length, and of the proposed continuation of the said last named street, from Saint Louis Street to the limits of the City; lastly, on the south west the limits of Saint Lawrence Ward.

Saint Mary's Ward shall comprise the whole of the Quebec or Saint Mary's Suburbs; the limits of the said Ward shall be : on the south-east that part of the river Saint Lawrence, between the continuation of Lacroix street, to the limits of the City; on the north-west the limits of the City ; on the north-east the limits of the City; lastly, on the southwest the limits of the East Ward, and of the Saint Louis Ward of the City.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the said Common Council shall have exclusively the same power and authority, as the Justices of the Peace, for the City and Town of Montreal now have by Law, touching the making of Rules and Regulations of Police, the receiving and employing the monies raised in the said City of Montreal, by Assessment or otherwise, and over and concerning all Streets, Lanes, Roads, Causeways Pavements, Bridges, Embankments, Water-Courses, Sewers, Market-Places, Public Squares and all other public improvements within the said City, the making and. repairing of all Market-houses, and Weighing-houses in the several Markets, the

Watching and Lighting of the said City, and generally over and concerning all things which may in any way regard the improvement, cleanliness and convenience of the said City.

VI. And be it further enacted by the authority aforesaid, that from- and after the passing of this Act, all public monies raised by Assessment or otherwise, which shall be in the hands of the Road Treasurer, or of any other person, the public Funds appropriated by Law, for the Watching and Lighting of the said City of Montreal, and all the immoveable property and outstanding debts formerly under the controul of the said Justices of the Peace, with all the Registers, Books of Assessment, Accounts of Treasurers, Plans and other Documents belonging to or concerning the said City, together with the plans, titles, papers, or other documents which might have been found in the possession of the Commissioners appointed under the Act of the forty-first George the Third, chapter sixteen, at the time of the expiration of the said Act; and of that of the forty-fifth George the Third, chapter eight, shall be placed in the hands of the said Common Council, by the different persons in whose possession they may then respectively be found.

VII. And be it further enacted by the authority aforesaid, that the Justices of the Peace of the City of Montreal, may in a Special Session, to be holden for that purpose, on the first Monday in the month of May next, appoint the place where the election of the Common Councilmen of the said City in each of the Wards thereof, shall be held and shall cause public notice to be given of the place so appointed, two weeks before such election, in all the newspapers published in the said City of Montreal, and at the doors of the Churches therein, after Divine Service in the morning, on the two Sundays preceding such election; and the Members of the said Corporation qualified as aforesaid, may meet at the place so appointed, on the first Monday in the month of June following, and elect for their respective Wards, between the hours of ten in the morning, and four in the afternoon, two Common Council men for each Ward of the said Corporation, each of whom shall possess as proprietor and to and for his own use and benefit in the Ward for which he shall be elected immoveable or real property to the yearly value of twenty-five pounds currency, over and above what will satisfy and discharge all incumbrances affecting the same and over and above all rents and charges payable out of and affecting the same, and shall have resided in the said City of Montreal (temporary absence excepted as hereinafter enacted), twelve months at least before such election, and at every such election one of the Justices of the Peace, being a Member of the said Corporation, and for that purpose especially named by the Governor, Lieutenant Governor or person administering the Government of the Province for the time-being, shall preside and shall declare and certify to the Clerk of the Peace for the District of Montreal, the names of the persons so elected for the Ward in which he shall have presided, and the said Clerk of the Peace shall give notice in writing of such election to each of the persons so elected, at their domicile, within two days after such election shall have taken place: Provided always, that no such election in any ward of the said City shall continue more than two successive days, Sundays and Holydays excepted, and that the Candidates who, at the close of the second day, shall be found to-'have the greatest number of votes shall be declared to be duly elected, by the person presiding at the election, (who shall not be compelled to continue such election during two days, as aforesaid, unless it be necessary so

to do,) and provided also, that at every subsequent general or partial election, the Common Councilman then in office for the time being, for the Ward in which such election shall be held-, shall preside thereat of course, and by virtue of his office, without any special-commission for that purpose.

VIII. Provided always, and be it further enacted by the authority aforesaid, that no Justice of the Peace, presiding at any election as aforesaid, shall be elected In or for any Ward at which he shall so preside; and any Justice of the Peace duly qualified therefor who shall refuse to serve or to preside at any such election, shall, for refusal, incur a forfeiture and penalty of twenty-five pounds currency, to be recovered and applied as hereinafter enacted.

IX. And be it further enacted by the authority aforesaid, that, when the vote of any person at such election,-as aforesaid, shall be objected to or refused, the person whose vote shall have been so objected to or refused, shall not be received or admitted to vote, until he shall have made oath before the president of such election, which oath he is hereby authorized to administer, that he is a Member of the said Corporation, and hath for the twelve months immediately preceding such election paid assessment according to law, on some immovable property in the said City of Montreal, to be then and there by him designated, and in the Ward for which such election is there holding, and that he hath actually resided in the said City for one year immediately preceding such election, saving any temporary absence for the purpose of transacting his necessary concerns not exceeding six months, and any person who shall falsely and knowingly make the oath herein required, shall, on being thereof lawfully convicted, incur and suffer the pains and penalties of wilful and corrupt perjury.

X. And be it further enacted by the authority aforesaid, that the persons who shall have been so as aforesaid elected, shall, within fifteen days next after their election aforesaid, meet at the Court House in the City of Montreal, in the room in which the Justices of the Peace hold their Special Sessions, and elect a Mayor, and may immediately or as soon thereafter as convenient, proceed in Common Council to the business of the said Corporation, and may then and thereafter from time to time, in Common Council, make such By-Laws, Rules, Regulation and Ordinances as they, or a majority of them may deem necessary for the purposes; of this Act, and for the security, health, comfort and good order of the said City, and for the benefit of the said Corporation, not being repugnant to the Constitution or Laws of this Province, and may also revise, modify, change or rescind Rules, Regulations and Tariffs existing; Provided always, that no By-law, Regulation or Ordinance, shall have force or effect until the same shall have been made by a full majority of the said Common Council, and shall have been submitted to and confirmed by His Majesty's Court of King's Bench for the District of Montreal in like manner and form as the Rules and Regulations of Police made by the Justices of the Peace for the said District of Montreal, are now by law submitted to and confirmed by the said Court of King's Bench, and published in both languages, for two successive weeks, in two of the newspapers printed and published in the said City of Montreal, whereof one shall be the Montreal Gazette or other newspaper in which official notifications and advertisements of the departments of Government are

ordinarily inserted, and also published by the Town Crier in each Ward of the said City: and provided also, that no fine or penalty to be imposed in virtue of such By-laws, Rules, Regulations Ordinances, shall in any case exceed the sum of five pounds current money of this Province, except in such cases as may be hereinafter provided:—and provided further, that if the votes of the said Common Council, at such election of a Mayor, shall be equally divided for two or more persons, the names of the said persons shall be submitted to the Justice of the Peace who shall have presided at the election of the Common Councilmen for the East Ward, who shall chuse and declare such of the said persons as he shall think most fit to be the Mayor, and such person shall be the Mayor accordingly.

XI. Provided always and be it further enacted by the authority aforesaid, that before the said Rules shall be laid before the Judges of the said Court of King's Bench for their approbation, there shall be given notice in two of the newspapers published in the said City (whereof one shall be the Montreal Gazette or other newspaper in which official notifications and advertisements of the Departments of Government are ordinarily inserted) of the day on which they are so to be presented, to the intent that all persons may assign and support their objections thereto, if they think fit so to do.

XII. And be it further enacted by the authority aforesaid, that the Mayor of the said City thus chosen, shall be taken and deemed to be the Chief Executive Officer of the said Corporation, and shall be compensated for his services by a salary to be fixed by the Common Council, payable at stated periods, out of the funds of the said Corporation, which salary shall not exceed the sum of one hundred pounds currency annually, and he shall receive no other compensation or emoluments whatever, and no regulations enlarging or diminishing such compensation, shall be made to take effect until the expiration of the year for which the Mayor then in office shall have been elected; and it shall be the duty of the Mayor, to be vigilant and active at all times, in causing the Laws for the Government of the said City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the Government thereof, and as far as in his power to cause all negligence, carelessness and positive violations of duty, to be duly prosecuted and punished: he shall have power, whenever, in his judgment, the good of the said City may require it, to summon meetings of the said Common Council, although the meeting of the said Common Council may stand adjourned to a more distant day: And it shall be the duty of the Mayor, from time to time, to communicate to the said Common Council all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and ornament of the said City.

XIII. And be it further enacted by the authority aforesaid, that the said Common Council, or a majority of the whole shall have power and authority, notwithstanding any law, usage or custom to the contrary thereof, to take, purchase and acquire such ground, within the said City, as may by them be deemed necessary for opening new streets, squares and market places or for continuing, enlarging or otherwise improving those streets, squares and market places which are already made and out of the Assessments raised and levied in the said City, or other ways and. Means belonging to the said Corporation, to pay therefor such sum or

sums of money, as, may be agreed upon by and between the owner or owners of the said ground and the said Common Council, and in cases where the value of the said-ground and; the improvements thereon cannot be agreed upon, it shall be ascertained by arbitration; and in cases where the proprietor or proprietors shall be absent or shall not be known, or shall refuse to conclude an arrangement or to appoint an Arbitrator to proceed with the Arbitrator appointed by the Common Council of the City, to estimate the indemnity or the value of such ground., the Justices, of the Peace in a Special Session, to, be for that purpose holder upon a petition to. them addressed, and upon proof that notice, in writing was given; one month previously to the proprietor or proprietors of such ground, or to his or her or their tutor, curator, administrator, agent or curator ad hoc, of the intention of the said Common Council, to present such petition to the said Justices of the Peace, for the purpose of taking possession of such ground, shall summon a Jury of disinterested persons, taken from among the Grand Jurors, summoned for the Court of Quarter Sessions succeeding such notice; and the said jury shall determine upon their oaths, the amount of indemnity which they shall judge reasonable, and upon the payment of the sum agreed upon or legal tender, determined by the arbitrators or adjudged by the jury, to the person interested as aforesaid, or upon the deposit of the said sum in the Office of the Clerk of the Peace, in cases where the persons interested shall not be known or shall be absent or shall refuse to receive the same, the said Common Council shall be legally seized, and be proprietors of such ground, which shall become public property, and the said indemnity or sum to be paid, shall be paid out of the funds of the said Corporation.

XIV. And whereas it will tend to the more speedy improvement and embellishment of the said City, to authorize the Corporation thereof to raise money by loans;—Be it therefore enacted by the authority aforesaid, that the said Common Council or a majority of the whole number of members thereof, shall have power and authority to borrow money from time to time for the purposes aforesaid, and to issue notes or bonds payable to the bearer or otherwise, under signature of the Mayor for the time being, and the seal of the Corporation, for securing the repayment thereof out of the funds of the said Corporation; such notes or bonds to bear interest not exceeding six per cent, per annum, and to be transferable and redeemable upon the terms and conditions therein expressed and contained; Provided always that the sums borrowed shall not at any time exceed the sum of ten thousand pounds, currency; and if the said Common Council shall at any time contract a debt exceeding the said sum, then and in that case the members who shall have consented to contract any such debt shall be individually, and in their private capacity, jointly and severally responsible for the surplus. Provided also, that nothing herein contained shall authorize the said Common Council to take possession of any ground belonging to any public establishment, religious community or which is held in mortmain.

XV. And provided also, and be it further enacted by the authority aforesaid, that the public monies raised by assessment or otherwise, which now are or hereafter shall be in the hands of the said Corporation by virtue of this Act, shall be charged with and answerable for the undertakings which have been made and the debts which have been incurred by the Justices of the Peace of the said City of Montreal, before the passing of this Act, and which are now

payable out of or by law chargeable upon the monies raised by such assessment or otherwise and now under the control of the said Justices of the Peace; and provided also, that from and after the expiration of this Act the aforesaid public funds raised or to be raised by assessment and all other property whatsoever, hereby made subject to the control and management of the said Corporation, shall continue to be chargeable with, and answerable for the undertaking which shall have been lawfully made and the debts which shall have been lawfully incurred by the said Corporation- under the authority of this Act.

XVI. Provided always, and be it further enacted by the authority aforesaid, that the said Common Council-men and each of them shall, before entering upon the duties of his office in Common Council, make oath before some Justice of the Peace, which oath any Justice of the Peace is hereby authorized to administer, well and truly, to the best of his judgment and skill, to perform and execute his duty according to the true intent and meaning of this Act, and the certificates of such oath shall be fyled in the office of the Prothonotaries of the Court of King's Bench for the District of Montreal, and among the records and remembrances of the said Corporation, and the certificates of elections of Common Council-men, to serve as above-mentioned, shall also be transmitted to the Clerk of the Peace.

XVII. And be it further enacted by the authority aforesaid, that if any person duly elected as aforesaid to serve in the Common Council, shall refuse so to do, such person so refusing to serve shall pay the sum of twenty-five pounds currency, which fine shall be applied for the uses of the said Corporation.

XVIII. Provided always, and be it further enacted by the authority aforesaid, that the Members of the Legislative Council and the Assembly, the Members of the Executive Council and the Clergy, the Judges of the Court of King's Bench, the Attorney and Solicitor General, the Surveyor General, the Adjutant General of Militia, the Provincial Secretary and Deputy Post Master General and his Deputies, the Grand Voyer of the District and his Deputies, Custom-house Officers, the Sheriffs and Coroners, the Clerks and commissioned Officers of the Legislature and Executive Council, the Clerks of the Courts, Gaolers, Criers of the Courts and School-masters, may claim exemption, from serving in the said Common Council.

XIX. And be it further enacted by the authority aforesaid, that on the first Monday in June of every year, one half of the Members of the said Common Council shall retire by rotation, and shall be replaced by an equal number of Members, at an election to be held in the manner hereinbefore mentioned, public notice of such election having been first previously given as hereinbefore enacted, provided that on the first Monday in May, in the year one thousand eight hundred and thirty- two, the two Common Council-men for each of the Wards of the said City, shall draw lots or ballot between themselves, so that, one of-the Common Council-men for each Ward shall go out of office on the first Monday in the month of June following as herein before enacted: Provided always, that nothing in this Act contained shall be construed to render the Common Council-men so retiring as aforesaid, ineligible, or to prevent them from being re-elected to serve in the same Common Council, but that no Common Council-man shall be obliged to serve more than four years in



succession; and provided also that the Mayor or President of the said Common Council, when he shall retire from the said office either by ballot, resignation or otherwise, shall be replaced by another Common Council-man at the first meeting which may thereafter be held by the said Common Council, and any Common Council-man who may die, refuse to serve as aforesaid, or absent himself from the Province for six months, shall be replaced by another public election, previous notice of the same being duly given according to this Act; and that in the event of indispensable absence of the Mayor, by sickness or otherwise, from any of the meetings of the said Common Council, the members present of the said Common Council shall have the power to nominate and appoint a President pro tempore to preside at such meeting, who shall, for the purposes of such meeting, be vested with the same powers as are vested in the Mayor by this Act.

XX. And be it further enacted by the authority aforesaid, that the said Common Council shall cause a Register or Journal of their proceedings to be duly kept, in which the votes of the Common Council-men, on every matter discussed in Common Council, shall be faithfully entered and recorded, as well as all other orders and proceedings of the Common Council, to which Register or Journal any Member of the said Corporation shall have free access, and shall be entitled to take copies and extracts therefrom without paying therefor any fee or reward whatsoever; and that the proceedings of the said Corporation shall be public with regard to all the Members of the said Corporation.

XX. Provided always, and be it further enacted by the authority aforesaid, that if any thing by this Act required to be done or performed, shall be omitted, or shall not be done or take effect as and at the time herein required, the said Corporation shall not therefor be dissolved, but the same shall continue to exist, and shall with all convenient speed, as soon after such omission as circumstances will admit, comply with the requirements of this Act.

XXI. And be it further enacted by the authority aforesaid, that the Treasurer to be appointed by the said Common Council, shall give good and sufficient security conditioned for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto, into the bands of his successor, and the said Treasurer and all other officers who may be appointed by the said Common Council, shall render their accounts to the same as often as required, and a statement containing the revenue and expenditure of the said Corporation, shall be published by the said Common Council at least once a year in the French and English languages, in one or more of the public newspapers, printed and commonly published in the said languages in the said City of Montreal.

XXIII. And be it further enacted by the authority aforesaid, that the fines, penalties and forfeitures that may be incurred under and by virtue of this Act, shall and may be sued for and recovered in a summary manner before any two of the Justices of the Peace for the District of Montreal, in their Weekly Sessions, on the oath of any one credible witness, other than the prosecutor or informer, one half of which fines and forfeitures shall go to the prosecutor or informer, and the other half to the Treasurer of the said Corporation, for the uses thereof.

XXIV. And be it further enacted by the authority aforesaid, that nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of His Majesty, His Heirs or Successors, or of any person or persons, bodies politic or corporate, such only excepted as are mentioned in this Act.

XXV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to authorize the said Corporation to interfere with the powers heretofore granted or which shall hereafter be granted by law to the Corporation of the Trinity House in respect of the Port and Harbour of Montreal, nor to the Wharves and Slips erecting and to be erected by the Commissioners appointed under the authority of an Act for the improvement and enlargement of the Harbour of Montreal, nor to the Wharves or Grounds, under the direction of the Commissioners for superintending and keeping in repair, the Lachine Canal.

XXVI. And be it further enacted by the authority aforesaid, that this Act and the powers and authorities therein contained and conferred, shall be and remain in full force and effect until the first day of May one thousand eight hundred and thirty-six, and no longer; and the same shall be held and considered as a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and others whom it may concern, without being specially pleaded.