

The Provincial Statutes of Lower-Canada, Being the fifth session of the Special Council, begun and holden at the City of Quebec, in the said Province of Lower Canada, the eleventh day of November, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

3 Victoria – Chapter 36 (Session 5)

An Ordinance to Incorporate the City and Town of Montreal.

Whereas for the better protection, care and management of the Local Interests of the Inhabitants of the City and Town of Montreal, and for the Municipal Government and the improvement thereof, it is expedient that the said City and Town be incorporated:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada,” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;” and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that the inhabitants of the said City and Town of Montreal and their successors, inhabitants of the same, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by and under the name, style and title of “The Mayor, Aldermen, and Citizens of the City of Montreal”, and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of impleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes, and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and of granting and accepting any bills, bonds, judgments, or other instruments or securities for the payment or securing of the payment of any money borrowed or lent, or for the performance, or securing the performance of any other duty, matter or thing whatsoever.

II. And be it further ordained and enacted, that the tract of land which, in and by a certain Proclamation of His Excellency Sir Alured Clarke, Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing date the seventh day of May, in the year of our Lord one thousand seven hundred and ninety-one, was and is described as being comprehended within the City and Town of Montreal, and which it was therein declared should be thenceforward called by that name, shall, from and after the passing of this Ordinance, constitute and be, and be called the City of Montreal.

III. And be it further Ordained and Enacted, that for the purposes of this Ordinance, the said City of Montreal shall be, and is hereby divided into six Wards, to be called respectively, East Ward, Centre Ward, West Ward, Queen's Ward, St. Lawrence Ward, and St. Mary's Ward.

IV. And be it further Ordained and Enacted, that the the said Wards of the 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 opposite to and extending from Lacroix Street to the extremity of Walker Lane; on the south-west by the middle of Walker Lane and Saint Gabriel Street, to Craig Street; on the north-west by the middle of Craig Street, from Saint Gabriel Street aforesaid to Sanguinet Street, and continuing down Sanguinet Street until it meets Saint Louis Street, from thence along the middle of the said Saint Louis Street to where the said Saint Louis Street meets Lacroix Street aforesaid; lastly, on the north-east by the centre of Lacroix Street, from Saint Louis Street aforesaid to the River or point of departure.

The Centre Ward of the said city shall be divided, bounded, and limited as follows, that is to say:—on the south-east by that part of the River Saint Lawrence, opposite to and extending from the middle of Walker Lane to the middle of the extremity of Callieres Street; on the south-west, by the middle of said Callieres Street, and crossing the interval between said Callieres Street, and Francois Xavier Street, by the middle of said Francois Xavier Street to Craig Street; on the north-west by the middle of Craig Street to Gabriel Street; and lastly on the north-east by the middle of the said Gabriel Street and Walker Lane, to the River or point of departure.

The West Ward of the said city shall be divided, bounded, and limited as follows, that is to say:—on the south-east by that part of the River Saint Lawrence, opposite to and extending from the middle of the extremity of Callieres Street to the middle of the extremity of Grey Nuns' Street; on the south-west by the middle of the said Grey Nuns' Street to the middle of William Street, to the bottom of McGill Street, continuing on the south-west by the middle of McGill Street and by the middle of Commissioners Square to Fortification or Glacis Lane, thence westerly to where Fortification or Glacis Lane joins the middle of Ste. Radegonde Street, and thence by the middle of Sainte Radegonde Street to Craig Street; on the northwest by the middle of Craig Street as far as Saint Francois Xavier Street, and lastly on the north-east by the middle of Saint Francois Xavier Street and Calieres Street to the River or point of departure.

The Queen's Ward shall be bounded as follows:—The south-west side of Grey Nuns Street, commencing at the River St. Lawrence, and continuing to William Street, the north-west side of William Street thence to McGill street, to the south-west side of McGill street, thence to Commissioner's Square, thence the south-east and south-west sides of Commissioner's

Square, and the south-west side of Saint Radegonde Street to Lagauchetiere street, thence the north-west side of Lagauchetiere Street to Alexander Street, thence the south-west side of Alexander Street to Saint Catherine Street, thence the south-east side of Saint Catherine Street to City Councillors Street, thence the south-west side of City Councillors street to Sherbrooke street, thence the north-west side of Sherbrooke Street to Durocher Street, thence the south-west side of Durocher Street and the extension of the same to the city boundary line, thence along the same so far as it may extend towards the southwest, thence along the said line in a south-east direction to the River Saint Lawrence, and thence to the place of beginning.

The Saint Lawrence Ward shall be bounded as follows:—The north-west side of Craig Street, commencing at Sanguinet street, and continuing to Radegonde Street, thence the north-east side of Radegonde street to Lagauchetiere street, thence the south-east side of Lagauchetiere street to Alexander street, thence the north-east side of Alexander street to Saint Catherine street, thence the north-west side of Saint Catherine street to City Councillors street, thence the north-east side of City Councillors Street to Sherbrooke Street, thence the south-east side of Sherbrooke street to Durocher street, thence the north-east side of Durocher street to the city boundary line, thence along the said line towards the north-east until the same joins the extension of Sanguinet street, thence the south-west side of Sanguinet street, to Craig street or the place of beginning.

The Saint Mary's Ward shall be bounded as follows, all such boundaries hereinafter mentioned to be comprised within the said Ward, viz:—The north-east side of Lacroix street, commencing at the River Saint Lawrence and continuing to St. Lewis street, from thence the north-west side of Saint Lewis Street to Sanguinet street, from thence the north-east side of Sanguinet street, with the extension thereof to the city boundary, thence along the city boundary line so far as the same may be found to extend towards the north-east, thence continuing the said line in a southeast direction until the same shall reach the River Saint Lawrence, and thence along the said River to the place of beginning.

V. And be it further Ordained and Enacted, that there shall be appointed and elected, in the manner hereinafter mentioned, one fit person who shall be, and be called the Mayor of the said City of Montreal, and a certain number of fit persons who shall be and be called Aldermen of the said City, and a certain number of other fit persons who shall be and be called Councillors of the said City; and such Mayor, Aldermen and Councillors, for the time being, shall be, and be called the Council of the said City.

VI. And be it further Ordained and Enacted, that it shall be lawful for the-Governor of this Province for the time being, by Letters Patent under the Great Seal of this Province, to nominate and constitute a fit and proper person to be the First Mayor of the said City of Montreal, who shall be and continue in that office, until the first day of December, which will be in the year of our Lord one thousand eight hundred and forty-two, and from that time until another person into the said office shall be elected and sworn, according to the

provisions hereinafter expressed and declared; and also, by the same Letters Patent, to nominate and constitute six fit and proper persons to be the First Aldermen of the said City, who shall be and continue in that office until the day and year last mentioned, and from that time until other fit and proper persons shall be elected and sworn into the said office, in their places, according to the provisions hereinafter expressed; and likewise, by the same Letters Patent, to nominate and constitute twelve fit and proper persons to be the First Councillors of the said City of Montreal aforesaid, who shall be and continue in that office until the day and year last mentioned, and from that time until other fit and proper persons shall into the said office be elected and sworn, according to the provisions hereinafter expressed.

VII. And be it further Ordained and Enacted, that in case a vacancy or vacancies should occur in the said Offices of Mayor, Aldermen, and Councillors, or any of them, at any time previous to the said first day of December, which shall be in the year of our Lord one thousand eight hundred and forty-two, if shall be lawful for the said Council of the said City of Montreal, to elect a fit person or persons to fill up any such vacancy or vacancies of the said offices of Mayor, Alderman, or Councillor, who shall be and continue in such office or offices until the day and year last aforesaid, and from that time until another person or persons shall be elected and sworn into such office or offices, according to the provisions hereinafter expressed.

VIII. And be it further Ordained and Enacted, that it shall be lawful for the said Council of the said City, from time to time, and at such times as they may deem fit, previous to the said first day of December, in the year of our Lord one thousand eight hundred and forty-two, to appoint one Assessor for each of the said Wards of the said City respectively, who shall continue in office for such period of time as by the said Council shall be fixed and limited, not extending beyond the day and year last mentioned; and it shall also be lawful for the said Council to prescribe the duties of such Assessors.

IX. And be it further Ordained and Enacted, that no person shall be capable of being appointed or elected an Alderman of the said City of Montreal, unless he shall have been a resident house-holder within the said City, for one year next before such appointment or election, and unless he shall be seized or possessed, to his own use, of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of one thousand pounds currency.

X. And be it further Ordained and Enacted, that no person shall be capable of being appointed or elected a Councillor of the said City of Montreal, unless he shall have been a resident house-holder within the said City for one year next before such appointment or election, and unless he shall be seized or possessed, to his use, of real or personal estate, or both, within the said City, after payment of his just debts, of the value of five hundred pounds currency.

XI. And be it further Ordained and Enacted, that the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons, being inhabitant house-holders within the Ward for which such election shall be had, as shall severally be possessed, at the time of the election, of a dwelling-house within the said Ward, held by them respectively in freehold, or for a term of years, or for a term not less than one year, and who shall have been resident within the said City, during one year or more, previous to any such election, and who shall have resided within the particular Ward for which such election shall be had, not less than three months next before such election; and part of a dwelling-house in which an inhabitant shall reside as a householder, and not as a boarder or lodger, and having an outer door by which a separate communication with the street may be afforded, shall be considered a dwelling-house, within the meaning of this enactment: Provided always that when and so soon as any rate or rates, assessment or assessments shall be laid by and under the authority of this Ordinance, no such inhabitant house-holder shall be entitled to vote at the election of councillors as aforesaid, unless he shall have been rated to and in respect of the rates or assessments laid as aforesaid; and provided also that after any such rate or assessment shall have been laid as aforesaid, every male person, though not a householder, who shall have been resident in the said city, during three years next preceding any such election of councillors, and who shall have occupied any warehouse, counting-house, or shop within any of the said Wards of the said City, during three months next preceding such election, and shall have been rated for not less than one year in respect of such premises for any such rate or assessment as aforesaid, shall be entitled to vote at the election of councillors to be had in the Ward in which such premises shall be situated; and Provided also that no such inhabitant householder, or occupier of a ware-house, counting-house, or shop within the said City, shall be entitled to vote at any such election of councillors, unless he shall have paid the amount of all rates and assessments within the said City of Montreal that may have been due and payable by him, before the holding of any such election.

XII. And be it further Ordained and Enacted, that no person shall be capable of being appointed or elected Mayor, Alderman, or Councillor of the said City of Montreal, or of voting at any election of City Officers, who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of twenty, one years; nor shall any person be capable of voting or of being elected at any such election, who shall have been attainted for Treason or Felony, in any Court of Law, within any of Her Majesty's dominions.

XIII. And be it further Ordained and Enacted, that no person being in holy orders, or being a minister or teacher of any dissenting or religious sector congregation, nor any Judge or Judges, clerk or clerks of any court, nor any of the ministerial Law Officers of the Crown, nor any person accountable for the City Revenues, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding at an election of a councillor or councillors, while so presiding, nor any clerk or assistant employed by him at any such election, while so employed, shall be capable of being appointed or elected a councillor for the said City.

XIV. And be it further Ordained and Enacted, that on the first day of December, which will be in the year of our Lord one thousand eight hundred and forty-two, and on the same day in every succeeding year, the inhabitant house-holders, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be councillors, three fit and proper persons to be councillors for each of such Wards respectively, or so many as shall be required to supply the places of those who shall then go out of office, and also one fit and proper person to be assessor for each of the said Wards respectively. Provided always, that if the day so appointed for such election shall, in any year, happen to be a Sunday or a holiday, such election shall take place the next following day.

XV. And be it further Ordained and Enacted, that on the first day of December, in the year of our Lord, one thousand eight hundred and forty-two, and in every succeeding year, one-third of the number appointed as aforesaid to be the number of councillors for the said City of Montreal, shall go out of office, and in the year one thousand eight hundred and forty-three, those who shall go out of office shall be the councillors who shall have been elected under the provisions of this Ordinance, by the smallest number of votes in the preceding year; and in the year one thousand eight hundred and forty-four, those who shall go out of office shall be the councillors who shall have been elected under the provisions of this Ordinance, in the said year one thousand eight hundred and forty-two by the next smallest number of votes; and if any two or more of the said councillors shall have been elected by an equal number of votes, then it shall be determined, by the majority of the whole Council, which of the said councillors so elected, shall then go out of office; and thereafter, those who shall go out of office shall always be the councillors, who shall have been for the longest time in office, without re-election: Provided always, that any councillor so going out of office shall be capable of being forthwith re-elected, if then qualified, as required by this Ordinance.

XVI. And be it further Ordained and Enacted, that the first election of councillors to be had as aforesaid, on the first day of December, which will be in the year of our Lord one thousand eight hundred and forty-two, and all subsequent elections of councillors, to be had under the provisions of this Ordinance, shall be held at convenient places, in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City as may by the Mayor of the said City for the time being, be appointed, or in case of vacancy in the office of Mayor, by the Council of the said City.

XVII. And be it further Ordained and Enacted, that at elections of councillors as aforesaid, the Poll shall be opened at nine o'clock in the forenoon, and shall continue open till four o'clock in the afternoon of the same day, and the name of each elector voting at such election shall be written in poll lists to be kept at such election by the officer or person holding the same; and after finally closing the Poll at any such election, the officer or person by whom the same shall be held shall forthwith proceed publicly to declare the number of

votes given for each candidate, or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favour, to be duly elected councillor or councillors as aforesaid; and if there should be at the final closing of the Poll as aforesaid, an equal number of votes polled for two or more persons to be councillors as aforesaid, it shall be lawful for the officer or person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the election; and the Poll Lists kept at such elections, shall, by the officers or persons holding the same, be delivered, within three days after the conclusion of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, on the payment of a fee of one shilling.

XVIII. And be it further Ordained and Enacted, that persons entitled to vote at the election of councillors as aforesaid, shall vote within the particular Ward in which the property, constituting their qualification to vote, shall be situated, and not otherwise; and if any such person shall be possessed of property entitling him to vote in two or more Wards, he shall be entitled to vote in that Ward only, in which he may reside.

XIX. And be it further Ordained and Enacted, that it shall be lawful for the said Council of the said City, by a bye-law or bye-laws to be enacted in this behalf, to make provision for the making of Lists and a registration of all persons qualified to vote at elections of councillors and other City Officers in the said City, whereby the right to vote at such elections may be determined: and until such provision shall have been made by such bye-law or bye-laws, every person desirous of voting at any election of councillors as aforesaid shall, before he be permitted to vote, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election; which oath the officer or person holding such election is hereby authorised and required to administer.

XX. And be it further Ordained and Enacted, that after provision shall have been made by a bye-law or bye-laws as aforesaid, for the making of Lists or a Registration of persons qualified to vote, whereby the right in individuals to vote may be determined as aforesaid, every person desirous of voting at any election of a councillor or councillors as aforesaid, shall, before he be permitted to vote, produce a certificate, under the hand of the proper officer, of his qualification, pursuant to any such bye-law, and shall, if required by the officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorised and required to administer, that is to say—"I do swear that I am the person described in the certificate that I now produce, and that I have not before voted at this election. So help me God."

XXI. And be it further Ordained and Enacted, that if any person shall knowingly swear falsely, as to any of the particulars of his alledged qualification, in pursuance of the

preceding nineteenth section of this Ordinance, or if he shall knowingly swear falsely, in taking the Oath prescribed by the preceding twentieth section of this Ordinance, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by law in cases of wilful and corrupt perjury.

XXII. And be it further Ordained and Enacted, that if at any election of a councillor or councillors as aforesaid, any person shall be elected a councillor for more than one Ward of the said city, he shall, within three days after notice thereof, make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as councillor, and thereupon such person shall be held to have been elected in that Ward only, and in no other.

XXIII. And be it further Ordained and Enacted, that on the first day of December which will be in the year of our Lord one thousand eight hundred and forty-two, the councillors who shall be first elected under the provisions of this Ordinance, and on the ninth day of December in the year one thousand eight hundred and forty-five, and in every succeeding third year, the said Council of the said City for the time being, shall elect from the councillors composing the said Council, six persons to be Aldermen of the said City, or so many as shall be required to supply the places of those who shall go out of office, according to the provisions hereinafter contained and that on the ninth day of December, in the year one thousand eight hundred and forty-five, and in every succeeding third year, one half of the number appointed as aforesaid to be the entire number of Aldermen of the said City, shall go out of office: and the councillors composing the said Council, immediately after the first election of Aldermen to be had as aforesaid, shall designate the Aldermen who shall go out of office in the year one thousand eight hundred and forty-five, and thereafter those who shall go out of office shall always be those who have been Aldermen for the longest time, without re-election: Provided always, that any Alderman so going out of office may be forthwith re-elected, if then qualified as required by this Ordinance: And provided also, that the Aldermen so going out of office, shall not be entitled to vote in the election of the Aldermen who are to supply their places: And provided also that if the ninth day of December in any year in which elections are to be had as aforesaid, shall happen to be a Sunday or a holiday, such elections respectively shall be had on the next following day.

XXIV. And be it further Ordained and Enacted, that the Mayor and Aldermen to be elected according to the provisions of this Ordinance, shall, during their respective offices, continue to be members of the Council of the said City, notwithstanding the provisions herein contained, by which the duration of the office of councillor is limited to a certain time.

XXV. And be it further Ordained and Enacted, that on the ninth day of December in the year one thousand eight hundred and forty-two, and in every succeeding year, the members of the said Council shall elect from persons qualified to be councillors, by a majority of votes, two persons who shall be and be called Auditors of the said City of Montreal; and every such Auditor shall continue in office until the ninth day of December in the year following his

election: Provided always, that in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid: and provided also, that no member of the said Council, nor the Clerk, nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

XXVI. And be it further Ordained and Enacted, that if any extraordinary vacancy shall occur in the office of councillor of the said City, after the first election of councillors to be had as aforesaid, the inhabitant householders and persons qualified to vote shall, on a day to be fixed by the Mayor, (such day not being later than ten days after such vacancy) elect from the persons qualified to be councillors, another person duly qualified to supply such vacancy; and such election shall be held, and the voting and other proceedings be conducted, in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the elections of councillors to be had as aforesaid; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen would, in the ordinary course, have gone out of office, when he shall go out of office, but shall be capable of immediate re-election, if then qualified as required by this Ordinance: Provided always, that no election shall take place, to supply any such extraordinary vacancy, unless the number of councillors remaining after such vacancy, shall not exceed two-thirds of the whole number composing the Council.

XXVII. And be it further Ordained and Enacted, that on the ninth day of December, in the year of our Lord one thousand eight hundred and forty-two, and on the same day in every succeeding year, the said Council of the said City shall elect out of the Aldermen and Councillors of the said City, a fit person to be Mayor of the said city, who shall continue in office for one whole year; and in case a vacancy shall occur in the said office of Mayor by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council of the said city shall, within ten days after such vacancy, elect out of the Aldermen and Councillors of the said city, another fit person to be Mayor thereof, for the remainder of the period for, which the Mayor whose place is to be supplied, was to serve.

XXVIII. And be it further Ordained and Enacted, that no person appointed or elected to be Mayor, Alderman, Councillor, Auditor, or Assessor as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Aldermen or Councillors (who are hereby respectively authorised and required to administer the said oaths to each other,) the oath of allegiance to Her Majesty, her heirs and successors, and also an oath in the words or to the effect following, that is to say—"I, A. B., having been appointed or elected (as the case may be) Mayor, (or Alderman, Councillor, Auditor, or Assessor, as the case may be,) for the city of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability; and that I am seized or possessed for my own use, of real or personal estate, or both, in the said city of Montreal, after the payment or deduction of my just debts, of the value of £ and that I

have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be appointed or elected (as the case may be) Mayor (Alderman, Councillor, Auditor, or Assessor, as the case may be) as aforesaid. So help me God.”

XXIX. And be it further Ordained and Enacted, that every person duly qualified who shall be appointed or elected to the office of Alderman, Councillor, Auditor or Assessor of the said city, and every person, Alderman or Councillor, who shall be appointed or elected to the office of Mayor of the said city, shall accept the office to which he shall have been so appointed or elected, or shall in default thereof pay to the Treasurer of the said city, to and for the use of the said city, a fine as follows, that is to say, for non-acceptance of the office of Alderman or Councillor, a fine of Fifty pounds, for non-acceptance of the office of Auditor or Assessor, a fine of Fifty pounds, and for non-acceptance of the office of Mayor, a fine of One hundred pounds: and every such fine, if not duly paid, shall be levied under the authority of the Warrant of any Justice of the Peace, having jurisdiction within the said city, who is hereby required, on the application of the said Council of the said city, to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept such office, with the reasonable charges of such distress: and every person so elected shall accept such office by taking the oath of allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after the notice of his election, and in default thereof shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election, to be made in the manner herein before prescribed: Provided always, that no person disabled by lunacy or imbecility of mind, shall be liable to such fine as aforesaid; and provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption, within five days after notice of his election: And provided also, that no military, naval, or marine officer in Her Majesty’s service, on full pay, nor the members of the Legislature of this Province, the members of the Executive Council, the Surveyor General, the Adjutant General of Militia, the Provincial Secretary, the Deputy Post Master General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the clerks and commissioned officers of the Legislature and of the Executive Council, and School Masters, shall be held or bound to accept any such office as aforesaid, or any other office in the said city.

XXX. And be it further Ordained and Enacted, that if any person holding the office of Mayor, Alderman, or Councillor, shall be declared bankrupt, or shall apply to take the benefit of any act for the relief of insolvent debtors, or shall compound by deed with his creditors, or being Mayor shall be absent from the said city for more than two calendar months, or being an Alderman or Councillor for more than six months, at one and the same time, (unless in case of illness,) then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman, or Councillor as

aforesaid; and in the case of such absence shall be liable to the same fine as if he had refused to accept such office, to be recovered and applied in the same manner.

XXXI. And be it further Ordained and Enacted, that the Mayor of the said city for the time being, shall be a Justice of the Peace for the city and district of Montreal, and it shall be lawful for the said Common Council, from and out of the monies belonging to the said city, to grant and allow to the said Mayor for the time being, in lieu of all fees and perquisites, such salary not exceeding three hundred pounds, and not less than one hundred pounds, as the said Council shall think fit.

XXXII. And be it further Ordained and Enacted that it shall be lawful for the Council of the said city, from time to time as occasion may require, to appoint a fit and proper person, not being a member of the said Council, and not being city clerk, to be the Treasurer of the said city, one or more fit person or persons not being of the Council to be clerk or clerks of the Markets of the said city, and one Surveyor of highways, streets, and bridges, and such number of Overseers of highways, streets, and bridges, as they may deem necessary. and one Collector for each of the Wards of the said city, one or more Pound Keeper or Pound Keepers for the said city, and such other officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Ordinance, and to prescribe and regulate the duties of all such officers, respectively, and at their pleasure to remove any such officer and appoint another in his place; and the said Council shall take such security for the due execution of the offices of city clerk, Treasurer or other officer, as they shall think proper, and shall and may grant and allow to the city clerk, Treasurer and other officers to be appointed as aforesaid, such salary, allowance, or other compensation for their services, as they may think fit.

XXXIII. And be it further Ordained and Enacted, that the Treasurer of the said city shall not pay any monies in his hands as such Treasurer, otherwise than upon an order in writing of the Council of the said city, signed by three or more members of the said Council, and countersigned by the clerk of the city, or on the order in writing of a Court of Justice or Magistrate, authorised by law to make such order.

XXXIV. And be it further Ordained and Enacted, that the Clerk, Treasurer, and other officers of the said city, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge by virtue or in pursuance of this Ordinance, and also of all monies which shall have been by them respectively received, by virtue or for the purposes of this Ordinance, and how much, thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments: And every such officer shall pay all such monies as shall remain due from him, to the Treasurer for the time being, or to such person as the said Council shall authorise to receive the same: And if any

such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers, and writings in his custody or power as such officer as aforesaid, then and in every such case, on complaint made on behalf of the said Council, by such person as they shall authorise for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or county wherein such officer shall reside or be, such Justice of the Peace shall be, and is hereby authorised and required to issue a Warrant under his hand and seal, for bringing any such officer before any two Justices of the Peace for such district or county: and upon the said officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any monies remain due from such officer, such Justices may and they are hereby authorized and required, on non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods and chattels of such officer: and if sufficient goods and chattels shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any books, documents, papers or writings, which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then and in every such case such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the district or county where such officer shall reside or be, there to remain without bail, until he shall have paid such monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, or until he shall have delivered up such books, documents, papers and writings, or have given satisfaction in respect thereof to the said Council. Provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months. Provided also, that nothing in this Ordinance contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer, but the remedy afforded by this Ordinance, and the remedy by action shall not be exercised for the same cause.

XXXV. And be it further Ordained and Enacted, that the Treasurer of the said city shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid: and the books containing the said accounts shall, at all seasonable times, be open to the inspection of any of the Aldermen or Councillors of the said city: and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, in the months of May and November in every year, be submitted by such Treasurer to the Auditors elected for the said city as aforesaid, and to such number of the said Council as the Mayor of the said city shall name, on the first day of May in every year, or in case of any extraordinary vacancy of office, within ten days next after such vacancy, for the purpose of being

examined and audited from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November in the year in which the said Auditors shall have been elected and named; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited, in the month of November in every year, the Treasurer shall make out in writing and cause to be printed, a full abstract of his accounts for the year, and copy thereof shall be open to the inspection of all the rate-payers of the said city, and copies thereof shall be delivered to all rate payers of the said city applying for the same, on payment of a reasonable price for each copy.

XXXVI. And be it further Ordained and Enacted, that in all meetings of the said Council, to be held in pursuance of this Ordinance, a majority of the members present at such meetings shall determine all questions and matters submitted to or under the consideration of the said Council, provided that the number present at the said meetings be not less than one third part of the entire number of councillors composing the said Council: And at all such meetings the Mayor of the said city, if present, shall preside, and in case of his absence, such Alderman, or in the absence of all the Aldermen, such councillor as the members of the Council so assembled shall choose to be chairman of any such meetings, shall preside at the same; and in case of an equality of votes, the Mayor or chairman presiding, shall have a casting vote.

XXXVII. And be it further Ordained and Enacted, that there shall be in each year four quarterly meetings of the said Council, which shall be held on the following days, that is to say:—on the second Monday of the months of December, March, June and September in each and every year, and the said meetings shall not at any one time be held for a longer period than three successive days, in which Sunday shall not be included.

XXXVIII. And be it further Ordained and Enacted, that it shall be lawful for the Mayor of the said city to call a special meeting of the said Council, when and as often as he may deem it proper, after three days previous notice thereof: and in case the said Mayor should refuse to call any such meeting, after a requisition for that purpose, signed by five or more members of the said Council, it shall be lawful for such five or more members to call a meeting of the said Council, after three days previous notice, which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the said members; and in all cases of such special meetings as aforesaid, a summons to attend the Council, specifying the business to be transacted at such meetings, and signed by the city clerk, shall be left at the usual place of abode of every member of the said Council, three days at least before such meeting.

XXXIX. And be it further Ordained and Enacted, that minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such meeting; and the said minutes shall be open to the inspection of all persons qualified to vote

at the election of councillors, on payment of a fee of one shilling, and the said meetings shall be held with open doors.

XL. And be it further Ordained and Enacted, that it shall be lawful for the said Council, to appoint from and out of the members composing such Council, such and so many committees, consisting of such number of persons as they may think fit for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority, and control of the said Council.

XLI. And be it further Ordained and Enacted, that it shall be lawful for the said Council of the said city, at a meeting or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make such bye-laws as to them shall seem meet, for the good rule, peace, welfare, and government of the said city, and for raising, assessing, and applying such monies as may be required for the execution of the powers with which the said Council is hereby invested, and for maintaining in the said city a good and efficient system of Police, in such manner as may by Law be provided, either by imposing tolls and rates to be paid in respect of any public works within the said city, or by means of a rate or assessment, to be assessed and levied on real or personal property, or both, within the said city, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed one shilling in the pound on the assessed value of the property lying and being within the said city, or by imposing a duty or duties on sales by auction, not in any case to exceed one per cent on such sales, to be paid by the purchaser, and on the keepers of houses of public entertainment and the retailers of spirituous liquors, and on hawkers, pedlars and petty chapmen within the said city; and to impose, by such bye-laws, such fines, not exceeding five pounds, and such imprisonment not exceeding thirty days, as they may deem proper for enforcing the same.

XLII. Provided always, and be it further Ordained and Enacted, that a copy of every bye-law, to be made by virtue of this Ordinance, shall be transmitted with all convenient speed, after the making thereof, to the Governor of this Province, for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such bye-law; and such disallowance shall, without delay, be signified to the Mayor of the said city, and thenceforward such bye-law shall be void and of no effect. Provided also, that all bye-laws repugnant to any law of the land, or to any act of the Legislature of this Province, shall be null and void.

XLIII. And be it further Ordained and Enacted, that all and every the powers and authorities which in and by any of the acts of the Legislature of this Province, and in and by any Ordinance or Law in force in this Province, have been and are vested in the Court of Quarter Sessions of the Peace for the District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any

of them, for, touching or concerning the laying out, making, erecting, keeping in repair, and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses, sewers, market-houses, and weigh-houses, and other public erections and works, in the said city of Montreal, or any of them; and for, touching, or concerning the dividing of the said city into divisions, and the appointment of overseers of highways, streets and bridges, in the said city; and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for. a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said city of Montreal; and for, touching, or concerning the making of rules and regulations of Police within the said city of Montreal; and for, touching and concerning the making of rules and regulations to restrain, rule and govern the apprentices, domestics, hired servants and journeymen, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants, and journeymen, within the said city of Montreal; and for, and touching the raising, receiving, appropriation and application of any public monies by assessment or otherwise, within the said city; and for, touching or concerning the improvement, cleanliness, health, internal economy and local government of the said city of Montreal, shall, from and after the passing of this Ordinance, become and be vested in and exercised by the said Council of the said city of Montreal.

XLIV. Provided always, and be it further Ordained and Enacted, that all and every the rules, orders, regulations and acts of authority, for, touching, or concerning the several matters in the next preceding section of this Ordinance, which may be in force at the time of the passing of this Ordinance, shall continue, be, and remain in full force and virtue, until the same shall be rescinded, repealed or altered, by the said Council of the said city of Montreal, under the authority of this Ordinance, or by other competent legal authority.

XLV. And be it further Ordained and Enacted, that all and every the public monies raised by assessment or otherwise, in the said city of Montreal, which, at the time of the passing of this Ordinance, shall be in the hands of the Road Treasurer of the said city, and all monies which shall be due or payable on account of any assessment or composition for statute labour, or for the use of the said city, and all monies appropriated by law for the watching and lighting of the said city, and all real and personal property within the said city, now subject to the management, control, or authority of the Justices of the Peace for the said District of Montreal, or any of them, and all and every the books of assessment, receipts, accounts of the Treasurers and Road Treasurers of the said City, plans, titles, documents, and papers relating to the said city, and of a public nature, shall, from and after the passing of this Ordinance, become and be subject to the power, authority, order and control of the said Council of the said City, and shall be paid and delivered up by the officers and persons in whose custody or possession they may now be, to such person or persons, and at such time and times, and in such manner, as by the said Council may be ordered and directed.

XLVI. Provided always, and be it further Ordained and Enacted, that all and every the public monies raised or to be raised by assessment as aforesaid, and all monies due and payable as

aforesaid, as well as all other monies hereafter to be raised by and under the authority of this Ordinance, shall be charged and chargeable with the debts which have been legally contracted by the late Corporation of the City of Montreal, and remain due and unpaid, and with the debts, sum and sums of money which have been or may be incurred and become payable from and out of the public monies raised or to be raised for public uses within and for the said city and Town of Montreal, or either of them, under the provisions of Law in this behalf made, or by or under the authority of the Justices of the Peace for the District of Montreal, or any of them; and all such debts and sums of money shall be payable from and out of the monies aforesaid.

XLVII. And be it further Ordained and Enacted, that it shall not be lawful for the said Council of the said city of Montreal, to borrow on the credit of the said city, at one time, any sum or sums of money exceeding the aggregate amount of the Revenues of the said city, for five years; nor shall any sum or sums of money be so borrowed while the said city shall be in debt to such aggregate amount, unless the said Council shall be authorized in this behalf, by an Act of the Legislature of this Province.

XLVIII. And be it further Ordained and Enacted, that so much of a certain Act passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled, "An Act for making, repairing, and altering the highways and bridges within this Province, and for other purposes," as provides for the appointment of Assessors and of a Road Treasurer for the said city of Montreal, and also a certain Act of the Legislature of this Province, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, "An Act to increase the number of Assessors for the cities of Quebec and Montreal," and also so much of a certain other Act of the Legislature of this Province, passed in the thirty ninth year of the Reign of His late Majesty King George the Third, intituled, "An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, 'An Act for making, repairing, and altering the highways and bridges within this Province, and for other purposes,'" as provides for the appointment of a Surveyor of the highways, streets, lanes and bridges in the said city of Montreal, by the Governor, Lieutenant Governor, or person administering the Government of this Province, shall, from and after the passing of this Ordinance be, and the same are hereby repealed; and all and every the powers, authority and duties which, in and by the said Acts and any other Act or Acts of the Legislature of this Province were, and are vested in and imposed on the said Assessors appointed or to be appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the power and duties of the said Road Treasurer and of the said Surveyor of highways, streets and bridges in the said city appointed, or that might be appointed under the said Act, passed in the thirty-sixth year aforesaid, shall from and after the passing of this Ordinance, become and be vested in, and imposed on the Assessors to be elected and appointed in pursuance of this Ordinance, and on the Treasurer of the said city, and on the Surveyor of Highways for the said city of Montreal, to be appointed under the same authority, respectively.

XLIX. Provided always and be it further Ordained and Enacted, that nothing in this Ordinance contained, shall extend or be construed to extend to the repeal of any Law, or the provisions of any Law, conferring power or authority on the Court of Quarter Sessions for the District of Montreal, or on the Justices of the Peace for the said District, or any of them, touching or in respect of all or any of those parts of the Parish of Montreal not comprised in the city and town of Montreal, and that all such power and authority shall continue to subsist in respect of such parts of the said Parish and the inhabitants thereof, as if this Ordinance had not been passed.

L. And be it further Ordained and Enacted, that a certain Ordinance made and passed by the Governor of this Province, by and with the advice and consent of the Special Council for the affairs thereof, in the second year of Her Majesty's Reign, intituled, "An Ordinance to suspend for a limited time, certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Montreal, and to establish a Society therein for preventing accidents by fire," and all and singular the provisions therein contained, and also so much of a certain Ordinance made and passed by the Captain General and Governor in Chief of the late Province of Quebec, by and with the advice and consent of the Legislative Council of, the said Province, in the seventeenth year of the Reign of His late Majesty King George the Third, intituled, "An Ordinance for preventing accidents by fire," as vests in the Governor, Lieutenant Governor, or other the Commander in Chief of the said Province, the power of appointing an Overseer to prevent accidents by fire in the said city of Montreal shall, at the expiration of nine calendar months from and after, the passing of this Ordinance be and remain repealed; and thenceforward, it shall be lawful for the said Council of the said city of Montreal, from time to time, and as occasion may require, to appoint a fit and proper person, not being a member of the said Council, to be an Overseer to prevent accidents by fire in the said city of Montreal, and at their pleasure to revoke such appointment, and appoint another person to be such Overseer as aforesaid, and all and every the powers, authority and duties which, in and by the said last mentioned Ordinance, and any other Ordinance or Law in force in this Province were and are vested in and imposed on the office of Overseer to prevent accidents by fire in the said city of Montreal, shall become and be vested and imposed on such Overseer to be appointed by the said Council in pursuance of this Ordinance as aforesaid.

LI. And be it further Ordained and Enacted, that every officer who may be to, or entitled to any office at the time of the passing of this Ordinance under appointments by the Executive Government of this Province, to which office by the provisions herein contained the power of appointment is conferred on the Council of the said city, and which office shall be abolished, or who shall not be continued in office after the passing of this Ordinance, shall be entitled to a reasonable compensation to be assessed by the said Council, and paid out of the funds of the said city, for the salary, fees and emoluments of the office which he shall so cease to hold and in case the person claiming such compensation should think himself aggrieved by the determination of the said Council on his claim, it shall be lawful for him to apply for and obtain a revision of such determination, by the Governor of this Province in

Council, who shall thereupon make such Order in Council as to him shall seem just, which Order shall be binding on the parties respectively.

LII. Provided always, and be it further Ordained and Enacted, that nothing in this Ordinance shall extend or be construed to extend to revoke, alter, or abridge, or in any manner affect the powers and authority now by law vested, or which may hereafter be vested in the Master, Deputy Master and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the execution of divers Acts and Ordinances of the Legislature of this Province, relating to the improvement and enlargement of the Harbour of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing and improving the Lachine Canal, nor to the Wharves and Slips erected and to be erected by the said first mentioned Commissioners, nor to the Wharves and Grounds, under the direction of the said last mentioned Commissioners.

LIII. Provided also, and be it further Ordained and Enacted, that nothing in this Ordinance contained shall in any manner derogate from or affect, or be construed to derogate from, or affect the rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the provisions of this Ordinance.

LIV. And be it further Ordained and Enacted,, that the words "Governor of this Province," wherever they occur in the said enactments are to be understood as meaning and comprehending the Governor or the person authorised to execute the Commission of Governor within this Province for the time being.

LV. And be it further Ordained and Enacted, that this Ordinance and the provisions herein contained, shall not cease or expire on the first day of November which will be in the year of Our Lord one thousand .eight hundred and forty-two, but shall be and remain a permanent law, and in full force, until the same shall be repealed or altered by competent Legislative authority.

LVI. And be it further Ordained and Enacted, that this Ordinance shall be held and taken to be a Public Act, and shall be judicially taken notice of, and have the effect of a Public Act, without being specially pleaded.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-fifth day of June, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,
Clerk Special Council.