

*The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 27 (Session 6)

**An Ordinance to authorize and enable the Corporation of the City of Montreal, to erect a Public Edifice in the said City, for certain purposes.**

Whereas the Corporation of Mayor, Aldermen and Citizens of the City of Montreal, have, by their Petition, represented the great public advantage to be derived from the erection, in the said City of a Public Edifice, of such dimensions as to contain a City Hall, Merchants Exchange, Post-Office, and Trinity-House, a large room for public meetings of the Citizens, and convenient accommodation for an Institute, to be formed by the junction of all the Literary and Scientific Societies of the said City, according to the plan of M. Alexandre; Vattemare; and whereas the said Corporation have further represented that the funds at their disposal, or which they are now empowered by law to raise, would be insufficient to defray the expense of erecting the said building and of purchasing ground for the site thereof, unless the other public works and improvements now requisite in the said City, were wholly or in a great measure abandoned, and have therefore prayed to be empowered to borrow a certain sum of money for the purposes of this Ordinance, over and above the sum they are authorized to borrow by any other law, and to levy by special rates and assessments over and above those which they are or may be authorized to impose for other purposes and by virtue of any other law, such sum or sums as may be necessary to pay the interest on the sums so borrowed, and gradually to redeem the principal: and whereas it is expedient that the prayer of the said Petition should be granted:—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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, and intituled, “An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;” and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that it shall be lawful for the Council of the said City, to borrow on the credit of the said Corporation, and on the security of the funds of the said City, such sum or sums not exceeding in the whole fifty thousand pounds, currency, as may be necessary to defray the expense of erecting and completing a suitable Edifice for the purposes mentioned in the

Preamble to this Ordinance, and to pay the price of the ground to be acquired by the said Corporation, as a site for the said building, in some central and convenient situation within the said City.

II. And be it further Ordained and Enacted, that the sum or sums of money to be borrowed under the authority of this Ordinance, may be borrowed at any rate of interest, whether greater or less than six per cent per annum; and the rate of interest at which the same shall be so borrowed, may be paid by the said Corporation accordingly; any law, usage, or custom to the contrary notwithstanding.

III. And be it further Ordained and Enacted, that it shall be lawful for the Council of the said City, by a by-law, or by-laws to impose such rates and assessments on real and personal property, or both, within the said City, as shall be necessary in each year to raise (clear of all expenses of collection) a sum sufficient to pay the interest payable during such year on that part of the sum borrowed under the authority of this Ordinance, which shall then remain unpaid, and one fiftieth part of the principal of the sum so borrowed or to be borrowed: and the sums to be raised as aforesaid shall and may be so raised over and above and in addition to any sum or sums which the said Council are authorized by any other law to raise or levy.

IV. And be it further Ordained and Enacted, that the said Council shall and may acquire a lot or lots of ground as aforesaid as a site for a public Edifice for the purposes, and shall and may erect thereon for the said purposes, a suitable Public Edifice, which with the ground forming the site thereof shall be vested in the said Corporation for ever.

V. And be it further Ordained and Enacted, that the said ground and building shall be and is hereby specially hypothecated for the due payment of, the sums to be borrowed for the purchase and erection thereof, and for the due payment of the interest thereon.

VI. And be it further Ordained and Enacted, that all the enactments and provisions of the Ordinance passed in the fourth year of Her Majesty's Reign, and intituled, "An Ordinance to incorporate the City and Town of Montreal," as amended by a certain Ordinance passed for that purpose in the present Session of the Legislature, shall, in so far as they shall not be repugnant to or inconsistent with the express enactments and evident intent of this Ordinance, extend to and govern each and every act and thing required or authorized to be performed and done under the authority of this Ordinance, as if this Ordinance had formed part of the said last mentioned Ordinances, or of either of them.

VII. Provided always, and be it further Ordained and Enacted, that the accounts of all monies levied, received, or expended by the said Council, under the authority of this Ordinance, shall be kept separate and distinct from all other accounts of the said Corporation; and all rents, issues and profits arising from the said building, when completed, shall be deemed monies levied and received under the authority of this Ordinance, and applicable to the payment of the principal and interest of the sum borrowed under the

authority hereof, and the further sums to be assessed and levied by the said Council for the purposes of this Ordinance, shall be reduced accordingly.

VIII. And be it further Ordained and Enacted, that all the issues and profits of the Edifice, so to be erected as aforesaid, and also all public monies raised or to be raised by and under the authority of the Ordinances herein before mentioned, and placed at the disposal and under the control of the said Corporation, shall be specially charged with and liable for the payment of the interest of the sum or sums of money to be borrowed as aforesaid, and of the principal thereof; and such payment shall be made according to the terms and conditions to be made between the parties, at the time when the money shall be borrowed.

IX. And whereas it is highly desirable for the promotion of science and the arts, and for the advantage of the citizens, that the several literary and scientific Associations established in the said City of Montreal, that is to say, the Montreal Natural History Society, the Mechanics' Institute, and the Montreal Library, should be united and placed under the control of the Municipal authorities of the said City; Be it therefore further Ordained and Enacted, that as soon as the public Edifice aforesaid shall be erected and completed by the said Corporation, and sufficient accommodation provided therein, the Natural History Society of Montreal shall be and are hereby authorized and empowered to give, grant, transfer and confirm unto the said Corporation of the Mayor, Aldermen and Citizens of Montreal, all and singular the property, real or personal, goods, chattels, books, instruments, objects of natural history and curiosities, and all right, title, interest, property, claim and demand whatever therein, belonging to and in the possession of the said Natural History Society, to have, hold, and enjoy, all and singular the said personal and real estate aforesaid, unto the said Corporation of the Mayor, Aldermen and Citizens of the City of Montreal, for ever, for the benefit of the said City; any law, statute, or Ordinance to the contrary notwithstanding.

X. And be it further Ordained and Enacted, that as soon as the said public Edifice shall be completed as aforesaid, the said Corporation of the Mayor, Aldermen, and Citizens of Montreal shall be, and they are hereby authorized and empowered to accept and receive from the proprietors of the Montreal Library, a grant of all the books composing the said Montreal Library, and also to accept and receive from the proprietors of the Mechanics' Institute, a grant of all and every the works, instruments and objects of art and personal estate belonging to and in the possession of the said Mechanics' Institute, all which shall be vested in the said Corporation of the said City for ever.

XI. And be it further Ordained and Enacted, that from and after the time when notice shall be given by a Notarial Instrument to the said Corporation of Montreal, by the said Montreal Natural History Society, the said Proprietors of the said Montreal Library and the said Mechanics' Institute, jointly, of their respective intention to grant and transfer to the said Corporation of Montreal, their respective property, real and personal as aforesaid, and to be united as aforesaid, and from and after the acceptance of such property by the said Corporation of Montreal, also by a Notarial Instrument, the said three Societies shall become united, under the name and style of the "Montreal Institute of Literature, Science and Arts,"

and shall thenceforward be and form one Society under the control of the said Corporation of Montreal, according to the provisions hereinafter made.

XII. And be it further Ordained and Enacted, that the said Institute, formed as aforesaid, shall be composed of all and every the members, who, immediately before the union aforesaid shall be members of the said Societies respectively, and of such other persons as shall become members thereof according to the by-laws to be made by the said Institute, as hereinafter provided: and the said members shall consist of ordinary, corresponding and honorary members, all of whom shall be chosen by ballot, according to the terms and restrictions to be prescribed by the said by-laws; and the said ordinary members shall pay to the said Institute such annual contributions as may, from time to time be required by the by-laws of the said Institute.

XIII. And be it further Ordained and Enacted, that as soon as proper and convenient accommodation shall have been provided in the said public Edifice, for the placing therein of the books, instruments, objects of art and literature of the said Institute, the Mayor of the City of Montreal shall, by a public notice to be by him given in two Newspapers published in the said City, call a general meeting of all the members of the said Institute, as aforesaid, which meeting shall take place in the public room in the public edifice as aforesaid, at a time to be specified in the said notice; and at such meeting, the said Mayor shall preside, and a majority of the members assembled shall proceed to elect a President of the Institute, one first Vice-President, one second Vice-President, one third Vice-President, one Corresponding Secretary, one Recording Secretary, one Treasurer, one Librarian, and one Cabinet Keeper, and also ten other members, who together with the officers herein-before named, shall constitute and form the Council of the said Institute.

XIV. And be it further Ordained and Enacted, that a new election of the members of such Council as aforesaid, shall be had within each succeeding year, after the date of the said notice, and in the manner and place provided in the next preceding Section.

XV. And be it further Ordained and Enacted, that the President of the said Institute shall call a meeting of all the ordinary members of the said Institute, when, and so often as he may deem it proper, after twenty-four hours previous notice thereof left at the place of abode of each such ordinary member, resident within the the said City: and twelve ordinary members of the said Institute shall be a competent quorum for the dispatch of all business of the Institute, and a majority of the members present shall finally determine all matters or things proposed or discussed at any meeting and shall have the same power as the whole body of the members of the said Institute.

XVI. And be it further Ordained and Enacted, that the members of the said Institute shall have power to make, constitute, ordain and establish such by-laws as they shall deem fit and proper for regulating the mode of proceeding at the annual election of the Council, for prescribing the functions and duties of the Council and of the members of the Institute, for the admission of members and for the government of the several officers under their

control, for fixing and determining the annual rate of contribution to be paid by the ordinary members, for appointing the terms of payment of the said contribution, and fixing the mode of collection, for suspending or expelling such members or officers as shall neglect or refuse to comply with the by-laws of the Institute, and generally, for the managing or directing of the affairs and concerns of the said Institute, and may by any such by-law impose a fine not exceeding two pounds, currency: Provided that such by-laws shall have no effect, unless sanctioned and approved by the Council of the said City of Montreal, either in their special or quarterly meetings.

XVII. And be it further Ordained and Enacted, that the contributions and fines to be fixed by the by-laws aforesaid, shall and may be sued for in the name of the Corporation of the said City, and may be recovered with costs in the same manner as assessments and fines laid and imposed by the Council of the said City; and being so recovered shall be paid over to the Treasurer of the said Institute, to be appropriated by the Council thereof, for the purposes of the said Institute.

XVIII. And be it further Ordained and Enacted, that the members of the Council of the said City of Montreal, for the time being, shall be honorary members of the said Institute without election.

XIX. And be it further Ordained and Enacted, that the said Institute shall have power, from time to time, as occasion may require, to appoint such other officers, and, at their pleasure to remove any such officers and appoint others in their places, and shall and may allow to such officers, such salary, allowance or other compensation out of the funds of the Institute, for their services, as may be regulated by a by-law, made and approved as herein provided.

XX. And be it further Ordained and Enacted, that from and after the union of the said three Societies as above-mentioned, and after the said Corporation of Montreal shall have taken possession of all the books, instruments, objects of arts and curiosities, and of all real and personal estate which shall be assigned and transferred to them by a Notarial Instrument made in due form, the said Council of the said City shall furnish the Institute, without charge, with convenient rooms or apartments in the said Public Edifice, for the deposit therein of the Public Library and the Museum, with such other rooms as may be necessary for the management of the affairs and for the purposes of the said Institute; and the said Corporation shall further be charged with and liable to pay all and every the debts which, at the time of the transfer and surrender as aforesaid, shall then be due by the said Montreal Natural History Society, by reason of the purchase by them made of the house and premises now belonging to them, and situate in Saint James Street, in the said City of Montreal, and shall be also subject to all the liabilities of the said Society towards the heirs and universal legatees of the late James Sommerville; which said liabilities the Council of the said City shall, and they are hereby authorized to meet out of any funds placed by law at their disposal excepting those raised under the authority of this Ordinance, until the money borrowed under the same authority, and all interest thereon shall have been paid off.

XXI. And be it further Ordained and Enacted, that it shall and may be lawful for the said Corporation of Montreal, to receive donations “entre vifs,” or legacies of moveable or personal property, from any person or persons whomsoever, for the support and increase of the said Public Library and Museum, and for the general purposes of the Institute aforesaid, and no sum or sums of money, so received, shall be applied in any other manner.

XXII. And be it further Ordained and Enacted, that the Public Library and Museum formed under the authority of this Ordinance, shall, under the direction of the said Institute, be kept open for the free use of the public at such times and hours and under such restrictions, as may be fixed and determined by the by-law, to be made as aforesaid by the said Institute in that behalf, and approved by the Council of the said City as aforesaid.

XXIII. And be it further Ordained and Enacted, that from and after the union of the several Institutions aforesaid, in the manner aforesaid, the Provincial Act, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, “An Act to authorize the advance of a certain sum of money to the Natural History Society of Montreal,” and all other acts or parts of acts relative to the said Society, shall be and remain repealed, and all powers or rights vested in the said Society as separate and distinct from the said Institute, of what nature soever the same may be, shall cease and determine.

XXIV. And be it further Ordained and Enacted, that from and after the union of the said several Societies as aforesaid, the said Council of the said City of Montreal, shall and they are hereby authorized to appropriate annually, out of the general funds placed by law at their disposal, a sum not exceeding three hundred pounds currency, for the purpose of increasing the Library and Museum, and for other objects connected with the said Institute.

XXV. And be it further Ordained and Enacted, that this Ordinance shall be and remain a permanent law, and in full force, until the same shall be repealed or altered by competent authority; saving always, that all powers of assessment and taxation hereby vested in the Council of the said City of Montreal, and all by-laws of the said Council made under the authority of this Ordinance for raising or levying any sum or sums of money, shall expire, cease, determine, and be of no effect, from and after the time when the monies borrowed under the authority of this Ordinance and all interest on the same shall be paid off and discharged.

XXVI. 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 accordingly, without being specially pleaded.

SYDENHAM.

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 Sixth day of February, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of

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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-one.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.