

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 8

An Act to continue, for a limited time, the powers granted to certain Commissioners, by an Act, intituled, “An Act for removing the old Walls and Fortifications that surround the City of Montreal, and otherwise to provide for the salubrity, conveyance and embellishment of the said City,” and for extending the said powers, in certain cases. (25th March, 1805.)

Whereas an Act passed the Legislative Council and Assembly of this Province, which was assented to by his Majesty in his Privy Council, in the forty second year of his reign, intituled, “An Act for removing the old walls and fortifications that surround the City of Montreal, and otherwise to provide for the salubrity, convenience and embellishment of the said City,” and which Act in respect to the duration of the powers of the Commissioners to be appointed under the same, was limited to three years, to be computed from the day of the date of their Commission, and which Commission being dated on the second day of October, in the said forty second year of his Majesty's reign, the said powers, unless continued, will expire on the second day of October next; and it being expedient and necessary, that the said powers should be continued beyond that period, in order to enable the Commissioners which are, or shall be appointed under the said Act, more effectually to carry the same into execution. May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, “An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, ‘An Act for making more effectual provision for the Government of the Province of Quebec in North America,’ and to make further Provision for the Government of the said Province;” And it is hereby enacted by the authority of the same, that all and every of the powers of the Commissioners, and of their Treasurer, which have been or shall be appointed in conformity to the Provisions of the Act first abovementioned, is and are hereby continued and shall remain in full force and effect, for and during the space of three years, from and after the said second day of October next, and from thence to the end of the then next Session of the Provincial Parliament.

II. Provided always and it is hereby enacted, that it shall and may be lawful to and for the Governor, Lieutenant Governor or Person administering the Government of this Province, from time to time, during the continuance of this Act, in manner and form as by the aforesaid Act is provided, to remove any or all of the present Commissioners, and their Treasurer, and another or others in his or their stead to nominate and appoint, and every vacancy, in respect to the office of the said Commissioners or of their Treasurer, to fill up, whether any such vacancy shall happen by death, resignation or removal.

III. Provided, however, and it is further enacted, that the present Commission of the said Commissioners, and of their Treasurer, shall be valid and effectual to all the intents and purposes of the aforesaid Act, during the said continuation thereof, unless the same shall be revoked by the like authority whereby such Commission was granted.

IV. And whereas there are only two modes prescribed by the aforesaid Act, for the disposal of the ground, which may be for sale under the authority thereof, and it may be necessary in order to obtain a fair price for the same, in certain situations, that there should be added thereto, the power of disposal by private bargain, Be it therefore further enacted, that where the ground to be disposed of, shall be such in points of limits or of local situation, as not to afford in the opinion of the Commissioners or any two of them, a reasonable prospect of obtaining a fair price therefor by any public auction, then and in every such case, the said Commissioners or any two of them, may either ascertain the value thereof by a Jury, in manner as by the aforesaid Act is prescribed, or they may dispose of the same by private bargain: and in either case, make such additional conditions of sale as to them shall seem expedient: Provided always, that the conditions prescribed by the aforesaid Act, in respect to the payment of the purchase money, shall not be departed from.

V. And whereas the powers of the Commissioners under the aforesaid Act hereby continued, do not extend to authorize them to purchase any property. Be it further enacted, that whenever upon a report made by the said Commissioners or any two of them, to the Governor, Lieutenant Governor or Person administering the Government of this Province, it shall appear to him, that a purchase or purchases of ground, would be proper to give uniformity to a plan of improvement or embellishment, and that such ground is beyond the limits claimed by the said Commissioners, on behalf of his Majesty, then it shall and may be lawful for the said Governor, Lieutenant Governor or Person administering the Government, to authorise the said Commissioners or any two of them, to make and conclude such purchase or purchases, by private bargain, for such sum or sums as shall by them be deemed adviseable, and the ground so purchased, shall be paid for, out of any monies in the hands of the Treasurer of the said Commissioners, which shall arise from the aforesaid Act, and upon such payment, such ground shall become vested in them for the purposes thereof, in like manner as the ground claimed by them which may be adjudged to belong to his Majesty. Provided, however, that in the purchase or purchases, that shall so be made, there shall not be paid or expended, a sum or sums in the whole exceeding Two Thousand Pounds current money of this Province.