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58 George III – Chapter 15

**An Act to establish a House of Industry in the City of Montreal. (1st April, 1818.)**

Whereas the late John Conrad Marsteller, who died on the seventeenth day of May, in the year of our Lord one thousand eight hundred and eight, did devise and bequeath by his last Will and Testament, certain real or immoveable estates, and the rest, residue and remainder of all and every his estates, property and effects, after payment of his debts and legacies, for the purpose of establishing in the City of Montreal, a House of Industry, which said real estates consist of two lots of ground, with two stone houses and other buildings thereon erected, situate in the main street of St. Mary's suburbs, in the Parish of Montreal, in the District of Montreal; and whereas the establishment of such House of Industry cannot be effected without the aid and assistance of the Legislature, Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the government of the Province of Quebec in North America,' and to make further provision for the government of the said Province;" and it is hereby enacted by the authority of the same, that from and After the passing of this Act a Corporation and Body Politic and Corporate, for carrying into full effect the said will of the said John Conrad Marsteller, and for executing the several powers vested in them by this Act, shall be established by the name of the Wardens of the House of industry, in the City of Montreal; and by that name shall have perpetual succession and a common seal, and shall and may sue or be sued, in all Courts and places within this Province, and shall and may do all matters and things whatsoever, in as full ample manner and form, to all intents and purposes, as any Body Politic or Bodies Corporate can or may as such lawfully do; and in every suit to be commenced against the said Wardens, the process being served upon their President or Treasurer personally, or left at the place of residence of either of them, with a grown person, there belonging to the family, shall be deemed sufficient service upon the said Wardens; and that the said Wardens shall receive, take and hold in perpetual succession for the uses and purposes of this Act the said two lots of ground, with the houses and buildings thereon erected, and the several appurtenances thereunto belonging, and shall also have, take and receive all other the real or immoveable estates of the said John Conrad Marsteller, left by him for the same uses and purposes, and all and every the sum and sums of money, notes, bills, bonds, obligations and other securities whatsoever, due, owing, or in any wise belonging to the estate and succession of the said John Conrad Marsteller, and all the rest, residue and remainder thereof, his just debts and legacies first paid; and, if necessary, may sue to recover and receive the same, or any part or parcel thereof, of and from all and every person and persons whom the same shall or may concern, and on receiving and taking the real and personal estates, or any part or parcel thereof, the said Wardens shall and may make and give receipts, acquaintances, releases and discharges for the same to all and every person and persons whom the same shall or may concern; which said receipts, acquaintances, releases and discharges shall be good and effectual in law, to all intents and purposes,

against all persons whomsoever; and the said Corporation, from, and after the passing of this Act, shall be composed of eight persons as Wardens thereof, having a freehold in and residing in the said city of Montreal, who shall be named and appointed by the Governor, Lieutenant Governor, or person administering the government of this Province for the time being, and their several and respective successors who shall be nominated and appointed in the manner herein after provided and directed.

II. And be it further enacted by the authority aforesaid, that the said eight persons be appointed as aforesaid, shall continue in the said office of Wardens of the said House of Industry, from and after the passing of this Act, for and during the term of four and of two years; that is to say, at the expiration of two years, four of the said Wardens shall go out of office by lot, to be determined in manner following, that is to say, at a meeting to be called for the purpose, by the President to be chosen as herein-After directed, and which meeting shall be held within three months, and not less than one month before the expiration of the said two years, lots shall be drawn to ascertain the four Wardens who are to retire and go out of office, and be replaced by four other persons to be nominated by the Grand Jury of the District of Montreal, which shall be returned at the Court of Quarter Session next ensuing such meeting, who shall each of them possess a freehold in, and be a resident within the city of Montreal, who shall take the places of the said four Wardens so going out of office, and serve for two years, and that forever after at the expiration of every two years, four of the Wardens oldest in office shall go out of office, and be replaced by four other persons in the manner and form prescribed by this Act. Provided always, that no Judge of His Majesty's Court of King's Bench, nor any of the Prothonotaries of the said Court, or any Clergy man, School-master, Clerk of the Peace or any officer in the army, or on the Staff of the army, shall be obliged to accept of the said office of Warden of the said House of Industry.

III. And be it further enacted by the authority aforesaid, that the said Wardens at all times hereafter, shall and may have power and authority so purchase, and also to take and acquire, by will, gift, or otherwise, and shall and may hold land a, tenements, real and immoveable estates, rents, usufructs, servitudes and hereditament for the use and purposes of this Act only, and for no other purpose whatsoever, Provided always, that the rents, issues, revenues and profits of all the said lands, tenements, real and immoveable estates, usufructs, servitudes or hereditament, which may be so purchased or in any manner acquired by them, together with the real or immoveable estate devised as aforesaid by the said John Conrad Marsteller, exclusive of the house and premises which shall be occupied and used for the purposes of the Institution by this Act established, shall at no time, produce, yield, nor be worth annually a sum exceeding three thousand pounds, current money of this Province, and the said Wardens at all times hereafter, shall and may have power and authority to sell the said two lots of ground, with the houses and buildings thereon erected, and the several and respective appurtenances thereunto belonging, so as aforesaid devised by the said John Conrad Marsteller, and in case the said Wardens shall so sell the same or any part thereof, they shall as soon as may be convenient thereafter, apply the proceeds thereof to the purposes of the said Institution, for the purchase of other lands, tenements, real or immoveable estate, more fit and proper for promoting the permanent establishment thereof.

IV. And be it further enacted by the authority aforesaid, that the said Wardens shall have the chief care, direction, superintendence, management and control of the said House of Industry and of the

poor thereof, and shall have the sole power authorize the expenditure to be made of the monies of the said house, and shall annually, on the first Monday of May, appoint one person from among their numbers by a majority of votes, to serve as their President during one year, and shall have authority and power to appoint and remove at pleasure a Treasurer of the said House of industry, who shall render the said Wardens every three months at least that he may be in office, and at all other times when thereunto required by the said Wardens, and also when he shall leave or be removed from office, a true and faithful account of all monies belonging to the said House of Industry that shall have come into his hands, and of all monies paid by him to be approved of by the said Wardens, which said Treasurer shall have therefore such yearly salary as may be fixed by the said Wardens; and the said Wardens shall have authority and power at all times, when they see fit, to appoint a Keeper of the said House of Industry, and a sufficient number of persons as servants, and generally all the inferior officers of the said house necessary for the Institution, and to remove them or any of them from office, and appoint another or others, who shall be allowed such yearly wages, as to the said Wardens may seem reasonable and fit; and it shall be the duty of the said Wardens carefully to inspect and examine the accounts of the said Treasurer every three months at least, and when the said Treasurer shall go out of office, and take all proper care and precaution that there shall be no loss to the said House of Industry, by reason of any transaction of the said Treasurer, and it shall also be the duty of the said Wardens, or of any two of them, once every week at least to visit the said House of Industry, to inspect the conduct of the inferior officers of the said house, and regulate all matters concerning the said house, agreeably to the bye-laws, rules, regulations and orders of the said house, to see that the said house be kept clean, that the provisions and beds of the poor therein are wholesome and comfortable, and that the industrious poor dependent on the said house be kept regularly and constantly employed, and that there be no ground of complaint either on the part of or against the industrious or indigent poor that shall be therein, or may be aided and supported by its funds, or employed by or in any wise dependent on the institution, or any officers thereof.

V. And be it further enacted by the authority aforesaid, that the said Wardens shall and may appoint annually on the second Monday in the month of May, so many of the Inhabitants of the City and Banlieue of Montreal, being Free holders, as they may judge necessary and not exceeding seven, as overseers of the poor of, and belonging to the said House of Industry, and in case of refusal to act, or in case of death or absence from the District to choose others in their stead each of whom shall serve in the said office of overseer for and during the term of one year from the day of his appointment, and in consideration of such service the said overseer shall be exempt from serving as Jurymen or Constables during the time of their service as overseers of the poor. Provided always, that no person above the age of fifty years or under the age of twenty-one years, shall be liable to serve in the said office of overseer, and that no person who may have once served in the said office, shall be compellable to serve in the same again within less than seven years from the expiration of the year of his previous appointment; and in all cases of death or absence from the District, the persons appointed to replace such as may die or be so absent, shall not be obliged to serve longer than those whom they are appointed to succeed, would have been obliged to serve, but such temporary service unless it exceeds six months, shall not exempt such person from serving in his turn when regularly appointed at the annual term.

VI. And be it further enacted by the authority aforesaid, that whenever application shall be made by or on behalf of any person who may be a proper object of charity to any one of the said overseers of the poor for relief or assistance, it shall be his duty to report the case of such person applying or applied for to one of the said Wardens as soon as possible or on such days and at such times as by the Bye Laws may be appointed, but should any case of urgent necessary or districts occur, the said overseer shall, and he is hereby authorized to grant such relief immediately not exceeding in any one case such sum or sums as may by the Bye laws to be hereafter made, be allowed for that purpose. And it shall be the duty of one of the said overseers to attend at the said House of Industry every day at such times as may be necessary between the hours of ten in the forenoon and two in the afternoon, for and during one week during their appointment, each one of them in rotation, and during the said week to inspect the conduct of the inferior officers or servants of the said House of Industry, and of the poor of the said House, as well those who may reside therein as those who may in any wise be supported, aided or employed by the same, and to enforce and cause to be observed all and every the bye-laws, rules and regulations of the said House of Industry, and to report from time to time the state thereof to the Wardens, as may be directed by the said bye-laws, rules and regulations.

VII. And be it further enacted by the authority aforesaid that from time to time and at all times hereafter whenever it may be necessary or expedient, the said Wardens or any of them, not being less than five, who shall or may be assembled after due notice for the purpose be given, shall have power and authority to make bye-laws, rules, orders, and regulations not being contrary to the existing laws, usages or customs of this Province, for the government, management and direction of the House of industry, the officers and servants thereof, and of the industrious and indigent pour who shall be therein, or who may be employed by the said house, or in any wise dependent on the said institution, and that the majority of the votes of the said Wardens, or of any five of them to assembled as aforesaid, shall be decisive on all questions relating thereto, and that in case of an equality of votes, the President of the said Wardens shall have the casting vote: which said bye-laws, roles, orders, and regulations shall be by the said Wardens submitted to the Justices of His Majesty's Court of King's Bench for the Districts of Montreal, and delivered to the Prothonotaries of the said Court, in either of the civil or criminal terms thereof eight days before the first day of the term of the said Court next after the making of the same, to be by the said Justices of His Majesty's said Court examined, and if approved by them in the said term, to have full force of law, until they shall be at any time of times thereafter altered or changed, and approved in the same manner and form as herein before directed.

VIII. And be it further enacted by the authority aforesaid, that, from time to time, and at all times hereafter, a meeting of the said Wardens shall be called by the President, on application being made to him for that purpose by any one of-the said Wardens, and that the mode of calling a meeting of the said Wardens shall be by written notice to each of them, to be delivered to them personally, or left at their places of residence respectively, with a grown person there belonging to the family, which notice shall be so given two days at least before the meeting of the said Wardens so appointed to be held, Provided always, that at all times when it shall be expedient to purchase or sell any lands, tenements, real or immoveable estates, rents, usufructs, servitudes, or hereditaments for the said institution, the meeting of the said Wardens, called for such purpose, shall consist of five of them at least.

IX. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall be at all times lawful for the Governor, Lieutenant-Governor, or the person administering the government of this Province for the time being, to appoint two or more Commissioners, with power to visit the said House of Industry, and to examine and enquire into the state thereof, and of the accounts thereof, and of the Funds appertaining to the same, and generally of every matter and thing thereunto belonging, or in any wise therewith connected, for the purpose of reporting the same to the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being.

X. And be it further enacted by the authority aforesaid, that in case any one or more of the Wardens shall be absent from this Province for more than twelve months at a time, or shall die, one or more other person or persons as the case may be, shall be elected; which person or persons so elected, shall serve during the remainder of the time which such person or persons dying, or being so absent as aforesaid, would have been obliged to serve; but such temporary service, unless it exceeds six months shall not exempt such person from taking his turn, if legally nominated, under the regulations of this Act.

XI. And be it further enacted by the authority aforesaid, that nothing herein contained, shall extend or be construed to extend to authorize the said Wardens or any of them, to sell or convey the lands, tenements, real or immoveable estates, rents, usufructs, servitudes or hereditaments of and belonging to the said institution or any part thereof, without a license under the hand and seal at arms of the Governor, Lieutenant Governor, or person administering the government of this Province for the time being, for that purpose had and obtained, or to purchase, or take, or acquire by purchase any lands, tenements, real or immoveable estates, rents, usufructs, servitudes or hereditaments for the said institution, without letters of amortissement, under the great seal of this Province, for that purpose first had and obtained in due course of Law.

XII. And be it further enacted by the authority aforesaid, that each and every person so elected, chosen or nominated to succeed to and take the place of such of the said Wardens as go out of office, are absent during twelve months, or die, shall have notice of their said election or nomination in writing, signed by the President for the time being, to be delivered to them and each of them personally, or left at their domiciles with some grown person of the family, shall immediately accept the same, or in case of refusal shall forfeit and pay the sum of twenty pounds, currency, to be appropriated to the use, and in addition to the funds of the said House of Industry; and every person so appointed, shall be considered as having refused the appointment, who shall not within eight days from the service of the notice, signify his acceptance thereof, in writing to the President; which notice so to be given, shall clearly express the penalty to be incurred, in case of such refusal or neglect to signify in writing his or their acceptance of the said office. And each and every person so nominated and appointed by the said Wardens as overseer, and who shall refuse to accept the said office, shall forfeit and pay the sum of five pounds, currency; and any person so appointed, who shall have accepted thereof, and shall neglect to do the duties of the said office, shall forfeit and pay the sum of five shillings for every week he shall so neglect such duties, to be appropriated to the use and in addition to the funds of the House; the notice of such appointment and all proceedings thereon shall be the same as are directed for the appointment of Wardens.

XIII. And be it further enacted by the authority aforesaid, that nothing in this Act contained, shall extend or be construed to extend to affect in any manner or way, the rights of His Majesty, his heirs or successors, or of any person or persons, or of any body politic or corporate, excepting such as are specially affected by this Act.

XIV. And be it further enacted by the authority aforesaid, that all fines to be incurred by any person or persons by reason of this Act, above the value of ten pounds, currency, shall be sued for and recovered by suit or action in His Majesty's Court of King's Bench for the District of Montreal, and all other fines or penalties shall be sued for and recovered in the Court of Weekly Sittings of the Justices of the Peace in the City of Montreal.

XV. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, justices of the Peace, and other persons, without specially pleading the same.