

*The Provincial Statutes of Lower-Canada, Being the second session of the ninth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1818.

58 George III – Chapter 17

**An Act to authorize the Justices of the Peace for the District of Montreal, to lay out and open a new street in the City of Montreal, upon a Lot of Ground in the possession of George Le Pailleur, and to obviate certain inconveniences therein-mentioned. (1st April, 1818.)**

Whereas it has been deemed expedient to open a new street in the City of Montreal, from Glacis Lane to St. Jacques street, and that the said new street is to cross a certain lot of ground belonging to Jean Bouthillier, esquire, and is also to cross a certain other lot of ground in the possession of one George Le Pailleur, a notary public, under and in virtue of a devise to him made in and by the last will and testament of the late Charles Le Pailleur, esquire, his father, with an entail, (substitution) thereof to the issue of him, the said George Le Pailleur, lawfully begotten, which said George Le Pailleur cannot by reason of the dispositions of the said last will and testament, alienate the same, nor give his consent to the passing of the said street upon his lot of ground as by Law required—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 it shall and may be lawful to and for any three Justices of the Peace, in and for the District of Montreal, (one of whom shall be of the quorum) to cause the said new street to be laid out, and opened upon the said lots of ground, which said new street shall not be less than thirty nor more than thirty-one feet wide, and shall be laid out and opened on the south well side of the said lot of ground in the possession of the said George Le Pailleur, and shall be bounded on one side by a line which shall be a prolongation of the line of the north-east side of the Place d'Armes, in the said City of Montreal, with power to the said Justices of the Peace, to vary or incline the direction of the said street, from the Place d'Armes aforesaid, as far as Glacis street, according to the nature of the ground, and the division line of the lots (emplacements) upon which the said new street may pass.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall and may be lawful to and for such Justices of the Peace, in special session assembled, to cause to be empaneled a Jury of twelve Freeholders being disinterested persons, taken indiscriminately from among twenty-four freeholders, pursuant to a writ or warrant for that purpose, directed to the Sheriff of the District of Montreal; and that the said jurors, shall, after being duly sworn by such Justices of the Peace, who are hereby empowered to administer the necessary oath, well and truly to estimate and assess the damages which might be occasioned by the opening of the said street, to the persons who may, or might have any right to the possession or property of the said lot of ground, possessed by the

said George Le Pailleur; and shall make to the said Justices of the Peace, a written report of the amount they shall estimate.

III. Provided always, and be it further enacted by the authority aforesaid, that the Justices of the Peace aforesaid, shall give to the said George Le Pailleur, fifteen days at least previous notice of the day and hour on which the meeting of such Jury will take place, to proceed to assess, and settle by their report, the amount of the said damages, before laying out, and opening the said new street.

IV. And be it further enacted By the authority aforesaid, that, the amount at which the damages as aforesaid may be assessed, shall be paid from and out of such monies as the Commissioners for the Internal Communications of the County of Montreal, may now or hereafter deem it expedient to appropriate to that purpose; and in case such monies should be insufficient, the deficiency shall be taken and paid from and out of the public monies which are, or shall be in the hands of the Road Treasurer for the said City of Montreal.

V. Provided always, and be it further enacted by the authority aforesaid, that the amount of the said assessment shall be paid to him the said George Le Pailleur, he the said George Le Pailleur giving two good and sufficient sureties to the satisfaction of any two of the said Justices of the Peace; that the whole of the said amount, shall, by him, immediately be laid out, and expended in building a house, on such part of the said lot of ground as shall remain in his possession after the opening of the said new street; and in default of his doing, the said sureties, their heirs, executors, curators, or legal representatives, shall immediately after the decease of the said George Le Pailleur, be bound to pay the said sum of money, with interest, from the day of the decease of the said George Le Pailleur, to such person or persons as may be entitled to the entail (substitution) contained in the said last will and testament of the said Charles Le Pailleur, or to the said lot of ground, and that the said sum of money shall be considered to all intents and purposes whatsoever, as equivalent to such part of the said lot of ground as shall have been taken for making the said street, as representing to all intents and purposes whatsoever, the part of the said entailed (Substitute) lot of ground, upon which the said new street shall be opened.

VI. And be it further enacted by the authority aforesaid, that the security given by the said George Le Pailleur, shall be by recognizance entered into by himself and the said two sureties, who shall be proprietors of real estate, and the said recognizance shall be taken and entered into before two Justices of the Peace for the District of Montreal, in General Quarter Session of the Peace, or in a Special Session of the said Justices assembled for that purpose; and in case of non-fulfilment of the conditions of the said recognizance, the person or persons entitled to receive the money or monies as aforesaid, after the death of the said George Le Pailleur, shall be, and they are hereby authorized and empowered to institute and maintain their actions against all and every the sureties, and against all and every person and persons whom it may concern, for the recovery of the said sum of money and interest as aforesaid; Provided always, that a copy of the said recognizance certified by the Clerk of the Peace of the District of Montreal, shall be full evidence of the contents thereof, in support of such Actions and suits, without its being necessary to produce the original of the said recognizance.

VII. And be it further enacted by the authority aforesaid, that in case the said George Le Pailleur should refuse to accept the said sum of money, and to enter into the recognizance aforesaid, the Clerk of the Peace of the said District of Montreal shall immediately invest the said sum of money under the reserve and upon the conditions herein-after mentioned, on real estate or mortgage, (hypothèque) under the direction of any such three Justices of the Peace for the District of Montreal, and the interest thereof shall be paid to the said George Le Pailleur, during his natural life, and the said sum of money, after the decease of the said George Le Pailleur shall be paid to the person or persons who may then be legally entitled to the property of the said entailed ground in virtue of the said Act will and testament of the said Charles Le Pailleur.

VIII. Provided always, and be it further enacted by the authority aforesaid, that after the said money shall so have been placed at interest, it shall and maybe lawful to the said George Le Pailleur, at any time, to withdraw and receive the same, on entering into the recognizance and giving the sureties required by the fifth section of this Act, and on giving thereof one year's previous notice to the person or persons who shall have taken the said sum at interest, which person or persons shall then be obliged to pay and restore to him the amount of the said sum, for the purposes in the said fifth section mentioned.

IX. And be it further enacted by the authority aforesaid, that the said George Le Pailleur, his heirs and assigns, and all and every other person or persons whosoever, who now have, or may hereafter have, any right, title, interest, or claim whatever of, in, and to the ground designed for the said new street, shall be, and they are hereby declared to be, disseized and diverted thereof to all intents whatsoever, from the moment the said new street shall be said out and opened, avoiding to the dispositions of this Act.

X. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and all other persons whomsoever, without being specially pleaded.