

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 78

An Act to divide the Municipalities of Hochelaga and of Three-Rivers, respectively, into distinct Municipalities, and further to provide for the support of Schools and the management of local affairs therein. 9th June, 1846.

Whereas the Municipal Council of Hochelaga, in the Parish of Montreal, have by their Petition addressed to the several branches of the Provincial Legislature, prayed for a division of the Municipality of Hochelaga into five distinct Municipalities, and for further provisions for the support of Schools and the management of local affairs therein, and the inhabitant Householders of the Banlieu of the Town of Three-Rivers have also by their Petition to the Legislature prayed that the said Banlieu may form a Municipality distinct from the remainder of the Parish of Three-Rivers [Trois-Rivières], and it is expedient to grant the prayer of the said Petitions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the first day of July next, the Municipality of Hochelaga as now constituted, shall cease and determine, and that the extent of Territory now forming the same shall be and is hereby constituted, from the same period, into five distinct Municipalities, to be named and bounded as follows, viz: First, the Municipality of Hochelaga, bounded to the West by the limits of the City and their prolongation towards the lands of La Visitation; to the North by the lands of the Côte de la Visitation; to the East by the Parish of Longue Pointe; and to the South by the River Saint Lawrence. Second, the Municipality of La Visitation, bounded to the West from the northern limit of the City of Montreal, by the East line of the land of Benjamin Hall towards the ground of Madame Nolan; and thence along the West line of the ground of Madame Nolan, towards the Parish of Saint Laurent and the lands of Saint Michel in the Parish of Sault-au-Récollet; to the East by the Parish of Longue Pointe, and to the South by the Municipality of Hochelaga. Third, the Municipality of Côte des Neiges, bounded to the East by the Municipality of La Visitation; to the North by the Parish of Saint Laurent; to the West by the Parish of Lachine, as far as the front road of Côte Saint Luc; to the South by the front road of Côte Saint Luc, towards the Chemin de Ligne leading to Côteau Saint Pierre, thence going down the said road, and then crossing the land of Mr. Descarris three arpents in depth, in a straight line with the trait quarré along the several properties between Côte Saint Antoine and the Village of Saint Henri as far as the City of Montreal, and thence by the City of Montreal. Fourth, the Municipality of Saint Henry, bounded to the South by the Lachine Canal, as far as the By-road coming from Côte Saint Paul; to the West by the said By-road towards the main road to Lachine, and then by a prolonged line as far as the lands of Côte Saint Antoine; to the North by the lands of Côte Saint Antoine to the City of Montreal, following the limits of the Municipality of Côte des Neiges; to the East by the City of Montreal. Fifth, the Municipality of Saint Peter, bounded to the East by the City of Montreal, to the

South by the River Saint Lawrence, including the Islands on the North side of the main channel; to the West by the Parish of Lachine, and to the North by the Municipality of Côte des Neiges and the Municipality of Saint Henry.

II. And be it enacted, That from and after the said first day of July next, the Municipality of Three-Rivers shall cease and determine, and that the extent of Territory now forming the same, shall thenceforward form two separate and distinct Municipalities, one of which shall consist of and comprise the Town or Borough of Three-Rivers and shall be and be called the Municipality of the Town of Three-Rivers, and the other of which shall consist of and comprise the remainder of the said extent of Territory and shall be and be called the Municipality of the Banlieu of Three-Rivers.

III. Provided always, and be it enacted, That each of the said new Municipalities shall in every respect be governed by and act according to the law or laws now in force or hereafter to be in force with regard to Municipalities in Lower-Canada, except in so far as it is otherwise provided by this Act; and provided also, that five Councillors instead of seven shall be elected or appointed for each of the said Municipalities, except that which will consist of the Town of Three-Rivers which shall be represented in the Council thereof by seven Councillors.

IV. And be it enacted, That the debts of the present Municipality of Hochelaga, existing at the dissolution thereof, shall be and are hereby declared to be jointly due and payable by each of the said new Municipalities formed out of the same, and the debts of the Municipality of the Parish of Three-Rivers shall be due and payable by the Municipality of the Town of Three-Rivers; and the assessments and other debts or sums of money due and payable at the said period to the said present Municipalities of Hochelaga, and of the Parish of Three-Rivers, shall become vested and be recovered respectively, for its own use according to law, by the new Municipality in which the property assessed is situated, or in which the said debts or monies have accrued or become payable, and it shall be the duty of the present Municipal Councils of Hochelaga and of the Parish of Three-Rivers, respectively, and the Officers thereof, within one month after the election of new Councillors, to prepare and make up their final account, and deliver the same, together with all books and papers in their hands, to the Mayor and Councillors of the Municipality of Côte des Neiges hereby created, and to the Mayor of the Municipality of the Town of Three-Rivers who shall keep the same of record for their uses and that of each of the said new Municipalities, and any certified copy or extract from the same, which the said Council of Côte des Neiges and of the said Municipality of the Town of Three-Rivers shall be bound to deliver and certify at all times when required by any Municipality or any person having a right or interest thereto shall be considered valid in each of the said new Municipalities, respectively; and the monies in the hands of the present Municipality of Hochelaga, at the time of its dissolution, and also all moveable property or the produce thereof shall be equally divided and paid to and between each of the five new Municipalities hereby formed out of the same, and the monies in the hands of the present Municipality of the Parish of Three-Rivers at the time of its dissolution, and also all moveable property or the produce thereof, as well as all real or immoveable property then belonging to the said last mentioned Municipality, shall belong to the Municipality of the Town of Three-Rivers: Provided that the said new Municipalities may avail themselves respectively of the assessment now made, in so far as they are concerned, or proceed to a new assessment within three months

after the election of Councillors: Provided also, that nothing in this Act contained shall be considered to void or render invalid any thing legally done by the present Municipalities, and which may have its effect in a manner not repugnant to law, and to this Act in particular.

V. And be it enacted, That the provisions now or hereafter in force with regard to the support and management of Schools shall apply separately in each of the new Municipalities constituted by this Act, from and after the said first day of July next: Provided always, that each body of School Commissioners in the said new Municipalities shall be governed and shall act and have power, according to any law or laws now or hereafter in force with regard to Schools except in so far as otherwise provided for by this Act: Provided also, that five School Commissioners only may be elected or named in each of the said Municipalities, except the Municipality of the Town of Three-Rivers in which six shall be elected.

VI. And be it enacted, That the debts of the present School Commissioners of the Municipalities of Hochelaga and of the Parish of Three-Rivers, existing on the said first day of July next, shall be, and are hereby declared to be jointly due and payable by each body of School Commissioners in each of the said new Municipalities formed out of the said present Municipalities, respectively, and the debts, School-rates or other sums of money due and payable at the said period to the present School Commissioners shall become vested, and be recovered, respectively, for its own use according to law by each body of School Commissioners in the Municipality in which the same have accrued or become payable; and it shall be the duty of the present School Commissioners in the present Municipalities of Hochelaga and of the Parish of Three-Rivers, and the Officers thereof, within one month after the election of new Commissioners, to prepare and make up their account, and deliver it to the School Commissioners for the Municipality of Côte des Neiges and for the Municipality of the Town of Three-Rivers, respectively, as well as all books and papers in their hands in the manner hereinbefore provided concerning Municipalities, and the same shall be kept of Record, and copies or extracts given also in the same manner, and such copies and extracts shall have like effect; and all monies, as also all moveable property or the produce thereof, then in the bands of the present Commissioners, shall also be divided equally between each body of School Commissioners: Provided, that it shall be lawful for each body of Commissioners to establish a new assessment for the maintenance of Schools, and for the building of School Houses, and also to establish and divide the territory in each Municipality into one or more School Districts, or to adopt the present division in so far as they are concerned: Provided also, that nothing shall prevent the present School Commissioners, before the expiration of their powers on the said first day of July next, to apportion and divide in an equitable manner, as they may find just and reasonable, between the different bodies of new Commissioners, for the future support of Schools or for the building of School Houses, any monies, or part thereof, remaining in their hands unappropriated, and the sums so apportioned shall remain in the hands of the Secretary and Treasurer, to be by him paid respectively to the Secretary and Treasurer of each body of School Commissioners, within ten days after his appointment: Provided nevertheless, that nothing in this Act contained shall be considered to void or render invalid any thing legally done by the present School Commissioners, and which may have its effect in a manner not repugnant to law, and to this Act in particular.

VII. And be it enacted, That each body of School Commissioners shall, within one month after their election or nomination, make a correct Census of the population within their territory, showing also the number of children of each sex of age to attend the Schools, and the said Census shall remain among their records, and a duplicate thereof shall be transmitted to the Superintendent of Schools, to help him in the apportionment of School monies.

VIII. And be it enacted, That the School Commissioners in each new Municipality shall have power to establish and recover an assessment for the support of Schools, not exceeding three times the amount of the Government allowance for such Municipality, and also to establish and recover a different amount of assessment in each, or any one or more School Districts, not exceeding three times the proportionate share of such District in the Government allowance, and in this case the amount received in each District assessed apart, deducting a proportionate share of the general expenses, shall be expended in that District only; and in any Municipality where the assessment is at least double of the Government allowance for the maintenance of Schools, the School Commissioners may lawfully appropriate and set apart, for the payment of their Officers and their general expenses, any sum required not exceeding twenty per cent on the whole amount of assessment; and it shall be also lawful for the said School Commissioners respectively in each Municipality, and also in any one or more School Districts as aforesaid, to establish and recover an assessment for the building of School Houses, and the purchase of ground therefor, not exceeding two hundred pounds, currency, in the principal School District, and one hundred pounds, currency, in any other or others; and such separate assessment by Districts shall be applied only in that District in which it was levied: Provided, that when a distinct assessment is made by Districts for the support of Schools, the said assessment shall in no case be less than the proportionate allowance of public monies for such Districts, respectively; and that no assessment for the building of School Houses in any Municipality or District shall exceed forty shillings, currency, for each child therein of age to attend School.

IX. And be it enacted, That it shall be lawful for the Municipal Council in each of the five Municipalities constituted by this Act, out of the present Municipality of Hochelaga, to declare and establish the whole or any part of the territory thereof to be a village or villages for the ends now or hereafter to be provided by law for villages, notwithstanding there not being a given number of houses within a given extent, but no village shall be so established with less than thirty inhabited houses; and the Municipal Council and their Officers shall have all the powers and duties granted and established by law in regard to such villages; and the said Municipal Councils shall also, in addition to their general or special powers in such villages, or in any one or more of them as they shall direct, and under the penalties now established in case of infringement of Municipal Regulations and Orders have power, first, to better regulate all houses of public entertainment, public shows and exhibitions, billiard and play-houses, and also to impose and levy, by way of assessment upon any such show, exhibition, billiard or play-house, a sum not exceeding seven pounds ten shillings, currency, in any one year; second, to prevent and remove, or cause to be removed, any nuisance, unhealthy and dangerous manufacture or matter, from all public roads and places, and also from any property fronting, on the same, and being at a distance of not more than one hundred feet therefrom: Provided that nothing herein contained shall be construed to prevent any village to obtain a separate Municipal Council in the manner and on the conditions by

law provided, and in such case the Municipality of such village shall have the additional powers given in the present section of this Act.

X. And be it enacted, That this Act shall be a Public Act, and judicially noticed as such by all Courts of Law, and others whom it may concern, without being specially pleaded.