

## C A P. XIV.

## AN ACT for the establishment of a New Market at Montreal.

(7th March, 1827.)

Preamble.

**W**HEREAS the Market Places now in use in the City of Montreal are insufficient for the public convenience of the said City, and whereas the ground commencing at the Bridge, at the end of Saint François Xavier Street, and lying between Foundling and Commissioners Streets, and extending from the said Bridge up to the new Bridge, at the extremity of McGill Street, is a convenient situation for a New Market, as divers of the inhabitants of Montreal have by their petition to the Legislature in this behalf represented:—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 the said space of ground commencing at the Bridge at the end of Saint François Xavier Street, and lying between Foundling and Commissioners Streets, and extending from the said Bridge up to the new Bridge at the extremity of McGill Street, shall be, and the same is hereby appropriated, and set apart for a Market Place, and that the Justices of the Peace residing in the said City of Montreal, or any five of them, named at any general meeting to be specially convoked and held at any time in the month of June next for the purpose, are hereby constituted and appointed trustees for the purpose of carrying this Act into effect.

A certain space of ground appropriated for a Market-place at Montreal.

Justices of the Peace to be Trustees for the effect of this Act.

The rivulet on said space of ground not to be obstructed.

II. Provided always, and be it further enacted by the authority aforesaid, that the rivulet or stream running through the said space of ground shall not be obstructed by any building or works, in such manner as to cause the adjacent ground to be submerged, but that such buildings or works, as it may be necessary to construct or build over the same, shall be so constructed and built as to occasion no interruption to the course of the said rivulet or stream in the highest water.

III.

Trustees to procure plans of a Market-house, &c. and may cause the same to be built, &c.

III. And be it further enacted by the authority aforesaid, that the Trustees who shall have been so appointed as aforesaid, may forthwith after their appointment enter upon the discharge of their trust and duty, and procure and agree upon the plan and all the works they may deem necessary for confining the said rivulet, in whole or in part, by quays, for levelling, raising or reducing the said space of ground, and erecting a new Market-house with Stalls and a Weigh House, or temporary Stalls only, if they shall so think fit; and the said Trustees are hereby authorized to treat and contract for all or any of the works aforesaid, and for the building of such Market-house or temporary Stalls and Weigh House, with such person or persons, as may be willing to undertake the erection of the same on the aforesaid lot or space of ground. Provided always, that no contract shall be entered into by the said Trustees, until they shall by advertisement for three weeks at least, in all the weekly newspapers printed and published at Montreal, have given notice that they are ready to receive proposals in writing for the work to be performed.

Proviso.

A sum of money may be borrowed for defraying the expences of building, &c.

IV. And be it further enacted by the authority aforesaid, that for defraying the expences of erecting a new Market-house, or temporary Stalls and Weigh House as aforesaid, it shall be lawful for the said Trustees to borrow on legal interest, a sum not exceeding two thousand five hundred pounds, currency, to be laid out in part or in whole in erecting a suitable Market-house or temporary Stalls on the said lot or space of ground. Provided always, that it shall be lawful for the said Trustees to lay out so much of the said intended New Market-house or temporary Stalls, as to them shall appear necessary for the receiving and safe keeping of one of the Fire-Engines appertaining to the City of Montreal, with the buckets and other necessary implements.

Part of the Market-house may be employed as an Engine house, &c.

The rents and profits of such Market-house, &c. may be hypothecated for surety of the money borrowed.

V. And be it further enacted by the authority aforesaid, that for surety of principal and interest of the money so to be borrowed, it shall be lawful for the said Trustees, and they are hereby authorized to pass a Deed of Mortgage to the Lenders of the money aforesaid, binding and hypothecating the rents or profits to be derived from the said New Market-house or temporary Stalls in manner as is hereinafter provided, but on no other funds, rents, or profits whatever, shall the Lenders of the money, their heirs, executors, curators or assigns, have any lien or claim whatsoever, for or by reason of the money they shall have so lent, and the holders of such mortgages respectively, may transfer the same to such person or persons as they may think proper, and the Transferers shall have the same right to payment of interest and capital, as if he or they had been the original Lender or Lenders of the money for which the Mortgage or Mortgages were granted: Provided that such Transferees shall cause to be notified to the

Mortgages may be transferred.

Transfers to be

Treasurer

notified to the  
Treasurer, &c.

Treasurer of the Trustees, by leaving a copy of such Transfer with him, that he or they have become proprietor or proprietors of such Mortgage or Mortgages, and the said Treasurer shall enregister the same in a Book to be by him kept for the purpose, and shall keep a Book of the Receipts and Expenditure of the Market, open for public inspection.

How the sum  
of money bor-  
rowed is to be  
paid off, &c.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Trustees, so soon as there shall be funds in their hands for that purpose, and when the interest of the capital shall have been paid, to pay off the principal which in virtue of and for the purpose of this Act they shall have borrowed, and the Lenders of the money aforesaid shall be bound to receive back the same in such payments and sums of money at a time, as the said funds may be adequate to, and the Trustees see fit ; Provided always, that not less of the capital than five per cent, shall be paid off in one payment, and to all of the Lenders, their Heirs, Executors, Curators and Assigns, in equal proportions, but it shall not prevent the said Trustees from paying a greater proportion to any one or more of the Lenders, provided Lenders to the amount of three-fourths of the whole sum, their Heirs, Executors, Curators or Assignees shall thereunto agree.

Trustees may  
lease the stalls  
privately or  
by auction.

VII. And be it further enacted by the authority aforesaid, that in order to provide for the repayment of Capital so to be borrowed, and of interest thereupon arising, it shall be lawful for the Trustees aforesaid, so soon as the said new Market-house or temporary Stalls shall be completed or in a state fit for letting, to let out by the year or otherwise the said Stalls to such persons as may be willing to hire the same, at such rent as by the Trustees and persons hiring the same shall be agreed upon, or the same may be let out by public auction, and the rent so agreed upon, either by private bargain or public auction, shall be paid half-yearly or otherwise, as to the said Trustees it shall seem expedient, into the hands of the Treasurer to be named and appointed by the Trustees aforesaid, which Treasurer they are hereby empowered to remove and appoint, and from time to time to make such appointment as thereafter may become necessary by the removal, resignation or death of any Treasurer so appointed.

Rents to be  
paid in the  
hands of a  
Treasurer ap-  
pointed by the  
Trustees, &c.

Stall remain-  
ing unlet to  
butchers may  
be leased for  
other purpo-  
ses.

VIII. And be it further enacted by the authority aforesaid, that if after the said intended new Market-house or temporary Stalls shall have been erected, any part or space of the said Market-house or Stalls shall remain unoccupied, the part or space remaining unoccupied and unlet for the sale of butcher's meat or fish, may by the Trustees aforesaid be let out to hire for the purpose of selling and exposing to sale, grain or other provisions, for such rent as they may deem just

just and reasonable, and can agree for, and in like manner the said Trustees may let to hire the space under cover along the sides of the said new Market-house or temporary Stalls, for the sale of all sorts of fruit and vegetables.

Clerk of the Market to be allowed certain fees.

The same not to exceed a certain sum.

IX. And be it further enacted by the authority aforesaid, that over and above the rent which any person or persons hiring a Stall or Stalls, or other place under cover in the said intended new Market-house or temporary Stalls, are bound to pay for the same, it shall be lawful for the Justices of the Peace in their Quarter Sessions in the terms of January, annually to establish and allow to the Clerk or Clerks of the aforesaid Markets such fees as to them shall appear to be reasonable, provided the same do not at any time exceed annually the sum of one hundred pounds, currency, to be paid to the said Clerk or Clerks of the Market by such persons occupying Stalls or other places under cover in the said new Market-house or temporary Stalls: Provided that such fees shall be notified before letting the said Stalls or places under cover to the person or persons desirous of hiring the same.

Nothing in this Act to prevent farmers and others selling butcher's meat &c. on said Market.

X. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to prevent farmers or other persons not being butchers, from exposing and selling all kinds of butcher's meat, grain, poultry, provisions and other commodities, fire wood, hay and straw excepted, in sleighs, carts or other carriages properly arranged, as the Clerk of the Market may from time to time direct, so as not to interfere with the public convenience, and without being obliged to pay any fee to the said Clerk or other person by reason of the exposure for sale of any produce in their carriages or *voitures*, or on any unoccupied space in the said market.

How the monies are to be applied after the sum borrowed is paid off.

XI. And be it further enacted by the authority aforesaid, that whenever the principal and interest of the money to be borrowed by virtue of this Act shall be paid off, any money then remaining and all further sums which may arise to, and come into the hands of the Trustees or their Treasurer by reason of this Act, shall be considered as belonging to the City of Montreal, and be paid over to the Road Treasurer of the said City, and make part of the fund appropriated by law for the opening and repairing of highways, market-places, streets, squares and lanes within the said City, save and except the fines, penalties and forfeitures by this Act imposed.

XII.

Penalty on  
persons injur-  
ing such new  
Market-house,  
&c.

XII. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully injure, deface or spoil any part of the intended new Market-house or temporary Stalls, Weigh-house or Pavements, or flooring thereof, every person so offending shall forfeit for the first offence the sum of twenty shillings, currency, and for the second and every subsequent offence, forty shillings, currency, and such offender or offenders shall over and above such respective penalties pay such sum or sums of money as any two Justices in their weekly sittings in Montreal, before whom the complaint shall be made, shall think reasonable by way of satisfaction for any damage done by such offender or offenders: Provided always, that if goods and chattels whereon to levy the penalties and damages aforesaid cannot be found, or that the same be not paid with costs of suit, within ten days after conviction of the offender or offenders, (unless he or they shall appeal against such conviction as herein-after allowed,) then the person or persons so convicted shall in every such case be committed to the House of Correction for a term not exceeding one month.

If not paid, the  
offender may  
be committed  
to the House  
of Correction.

Clerk of the  
Market to  
cause Regula-  
tions to be car-  
ried into effect  
&c.

Penalty in  
case of ne-  
glect.

XIII. And be it further enacted by the authority aforesaid, that it shall be the special duty of the Clerk or Clerks of the Markets, and they are hereby required to oversee the carrying into effect all rules and regulations of and respecting the said Markets, and to prosecute all offences that may be committed against the same, and the said Clerk or Clerks, for every neglect of duty, shall incur and be subject to a penalty not exceeding forty shillings, currency, nor less than twenty shillings, currency.

Trustee may  
act as Justices  
of the Peace,  
&c.

XIV. And be it further enacted by the authority aforesaid, that it shall not be lawful for the Trustees acting under the authority of this Act, to act also as Justices of the Peace within their jurisdiction, for carrying into execution the several powers and authorities granted by this Act.

Offenders may  
be sued by the  
Trustees be-  
fore the Justi-  
ces of the  
Peace, &c.

An Appeal  
may be made  
to the Quarter  
Sessions in  
certain cases.

XV. And be it further enacted by the authority aforesaid, that all persons offending against this Act, may be sued by the Trustees in the name of the Treasurer, and the Justices of the Peace or any two of them in their weekly sittings at Montreal, are hereby authorized and required to hear and determine on the oath of one or more credible witness or witnesses, other than the informer, all complaints for any offence or offences committed against this Act: Provided always, that when the sum prosecuted for and ordered to be paid, shall exceed the sum of five pounds, currency, an appeal shall lie to the next general quarter sessions of the peace for the district, on the person or persons so appealing, first finding, paying or giving security for the amount of the Order or Judgment complained of.

XVI.

Penalties, how recoverable.

XVI. And be it further enacted by the authority aforesaid, that the rents, penalties and forfeitures, which by this Act may become due, shall be recoverable and levied by seizure and sale of the offender's goods and chattels, by Warrant under the hands and seals of any two or more Justices of the Peace for the District of Montreal, and the person or persons authorized by such Warrant, to seize such goods and chattels, is and are hereby authorized to sell the same, returning the overplus money (if any there be) upon demand, to the owner of such goods and chattels, after such rent, penalties and forfeitures, with the reasonable charges of the prosecution, shall be deducted and paid.

Offences to be sued for within a certain time.

XVII. And be it further enacted by the authority aforesaid, that all offences against this Act shall be sued for within one month after the offence shall have been committed, and not afterwards; and in all cases where any action shall be brought against any person, by reason of any matter or thing done in pursuance of this Act, the same shall be brought within one month after the same shall be alleged to have been done, and not afterwards; and if the person bringing such action shall be non-suited, or shall withdraw the same, every such person shall pay treble costs.

Penalties to be received by the Sheriff and paid to the Receiver General, &c.

XVIII. And be it further enacted by the authority aforesaid, that all the fines, forfeitures and penalties by this Act imposed, shall be received by the Sheriff of the said District of Montreal, and be by him paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, and towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

Public Act.

XIX. And be it further enacted by the authority aforesaid, that this Act shall be taken and deemed in all Courts to be a public Act, and all Judges and Justices are hereby required to take notice thereof, as such, without the same being specially pleaded.