

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 40

An Act the Establishment of a New Market Place, in the Saint Lawrence Suburbs, Montreal. (14th March, 1829.)

Whereas the inhabitants of the Saint Lawrence Suburbs of the; City of Montreal, have by their Petition to the Legislature set forth the advantages which would arise to the numerous population of the said Suburbs from the Establishment of a Market Place therein: 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 a Market Place shall be established in the Saint Lawrence Suburbs of the City of Montreal aforesaid; and that Josias Wurtele, Stanley Bagg, Joseph Chevalier, Charles Simon Delorme, Joseph Vallee, George Wurtele, Jean Baptiste Castonguay, Benjamin Hall and Augustin Tulloch, Junior, all of the said City of Montreal shall be and they are hereby appointed and constituted Trustees of the said Market Place, for the purpose of carrying this Act into effect.

II. And be it further enacted by the authority aforesaid, that if any one or more of the said Trustees shall die, leave the Province for the space of six consecutive months, or resign the office of Trustee, the remaining Trustees shall at a meeting to be held by them for that purpose, and of the time, place and purpose, of which meeting notice shall be given in writing to each Trustee for the time being, one week previous to the time appointed therefor, elect by a majority of the votes of the Trustees present at such meeting, one or more householders, in the said Saint Lawrence Suburbs to be Trustee or Trustees in the place of the Trustee or Trustees so dying, leaving the Province, or resigning the office of Trustee as aforesaid, which election being so made shall be confirmed by the Justices of the Peace for the District of Montreal, at their General Sessions, and recorded in the Register of the said Sessions, by the Clerk of the Peace of the said District, and being so confirmed and recorded, shall be good and valid in law.

III. And be it further enacted by the authority aforesaid, that for the Establishment of the said Market Place, and for the purposes herein after set forth, it shall be lawful for the said Trustees and their successors in office to purchase and hold, either on the North East, or on the South West side, as may by them be judged, most advisable, of the main street of the Saint Lawrence Suburbs aforesaid, and between the streets known by the name of Saint

Catherine street and Dorchester street, a lot or parcel of land not exceeding two hundred feet in front on the said, main street, by, the depth that may be found between the said main street, and the street next behind the same, running in a direction parallel or nearly parallel thereto; that is to say to Saint Charles Borrommee street, if the said Market Place be on the South West side of the said main street, or to Saint Dominique Street, if it be on the North East side of the same; making such satisfaction to the proprietors of the said Lot or Parcel of Land, or of the different buildings thereon erected, as shall have been mutually agreed upon.

IV. And be it further enacted by the authority aforesaid, that the said Trustees or Successors in office, shall have the management and direction of the affairs of the said Market, in so far as relates to the funds thereof, and the disposal and application of the same in establishing, upholding and improving the the said Market and the Buildings required for the same, the property whereof shall be vested in the said Trustees and their Successors in office, for the purposes herein set forth, and that any five of the said Trustees or their Successors in office, at a meeting duly called in the manner herein-before set forth, shall form a Quorum, competent in Law, to do and perform all such things as the said Trustees or their Successors in office, may by virtue of this Act, lawfully do and perform.

V. And be it further enacted by the authority aforesaid, that the said Trustees or their Successors in office, may forthwith 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 levelling 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 or their Successors in office, 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 lot or space of ground chosen by them as aforesaid, as the Site of the New Market Place hereby established: Provided always, that no contract shall be entered into by the said Trustees or their Successors in office, 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.

VI. And be it further enacted by the authority aforesaid, that for defraying the expenses of erecting new Market house, or temporary Stalls and Weigh-house as aforesaid, it shall be lawful for the said Trustees or their Successors in office, 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 or their Successors in office 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 thereunto belonging.

VII. 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 or their Successors in office, 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 Transferees 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 Treasurer of the said Trustees or of their successors in office, by leaving a copy of such Transfer with them, 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 hook of the receipts and expenditure of the Market open for public inspection.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Trustees and their successors in office 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 any one time as the said funds may be adequate to and the Trustees or their successors in office see fit: Provided always, that not less 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 or their successors in office from paying a greater proportion to any one or more of the lenders, provided three fourths, in value, of the other lenders, their heirs, executors, curators or assignees shall thereunto agree.

IX. 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 or their successors in office 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 said Trustees or their successors in office, 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 at public auction shall be paid half yearly or otherwise, as to the said Trustees or their successors in office it shall seem expedient, into the hands of the Treasurer to be named and appointed by the Trustees aforesaid, or their successors in office, which Treasurer they are hereby empowered to appoint and remove, and from time to time to make such appointment as there after may become necessary by the removal, resignation or death of any Treasurer so appointed.

X. 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 thereof shall remain unoccupied, the part or space remaining so unoccupied and unlet for the sale of butchers' meat or fish may by the Trustees aforesaid or their successors in office be let out to hire for the purpose of selling and exposing to sale, grain or any other provisions or fuel, for such rent as they may deem just and reasonable and can agree for, and in like manner the said Trustees or their Successors in office 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.

XI. 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 Market, 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 publicly notified before letting such Stalls or places under cover.

XII. Provided always, and be it further enacted by the authority aforesaid that nothing in this Act contained shall be understood to prevent Farmers brother persons not being butchers, from exposing and selling all kinds of butchers meat, grain, poultry and other provisions 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 thereof for sale of any produce in their carriages or voitures.

XIII. 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 said Trustees or their Successors in office or their Treasurer by virtue 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.

XIV. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully or negligently 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 of

the Peace 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.

XV. And be it further enacted by the authority aforesaid, that it shall be the special duty of the Clerk or Clerks of the Market, 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, nor less than twenty shillings currency.

XVI. And be it further enacted by the authority aforesaid, that it shall not be lawful for the Trustees or their Successors in office 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.

XVII. And be it further enacted by the authority aforesaid, that all persons offending against this Act, maybe sued by the Trustees or their Successors in office 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 authorised and required to hear and determine on the oath of one or more credible 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 paying or giving security for the amount of the order or judgment, appealed from.

XVIII. 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 offenders' 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 authorised by such Warrant, to seize such goods and chattels, is and are hereby authorised 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.

XIX. 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.

XX. 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 by him paid into the hands of the Road Treasurer for the City of Montreal, and shall make part of the fund appropriated by law for the improvement of the said City.

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