

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 53

An Act to establish a New Market Place in Saint Paul's Street, in the Lower Town of Quebec, and to authorize the advance of a certain Sum of money to the Trustees of the said Market. (14th March, 1829.)

MOST GRACIOUS SOVEREIGN,

Whereas the Magistrates and other Citizens of the City of Quebec, have, by their Petition to the Legislature set forth the advantages that would arise to the inhabitants of the said City and its Suburbs from the establishment of a Public Market Place, on the north side of Saint Paul's Street in the Lower Town of Quebec; and whereas it is expedient, that the prayer of the said Petition be granted in accordance thereof; 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 a Public Market Place shall be established on the north side of Saint Paul Street, in the Lower Town of Quebec aforesaid, and that it shall be lawful for the Governor, Lieutenant Governor or Person administering the Government of the Province by au Instrument under his hand to appoint five persons resident in the City of Quebec to be Trustees of the said Market Place and for the purposes of this Act and the same if need be to remove from time to time, and others, (qualified as aforesaid) to appoint in their stead as often as may become necessary, either by the removal, death, resignation or absence from the Province of any of the said Trustees.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province by a Warrant under his hand to authorize the advance of a sum of money not exceeding one thousand pounds, currency, out of any unappropriated monies in the hands of the Receiver General to the Trustees aforesaid or their Successors in office, for the purpose of enabling them, as such Trustees, to purchase a convenient lot or space of ground for the erection of a Wharf thereon, of sufficient extent to serve as the site of a Marketplace on the north side of Saint Paul Street aforesaid, between Ramsay Street and Saint Roch Street in the Lower Town of the City of Quebec.

III. And be it further enacted by the authority aforesaid, that the sum to be advanced to the said Trustees shall be repaid without Interest, within seven years after the said advance shall have been made, to the Receiver General of the Province, and being so repaid shall remain in his hands at the disposal of the Provincial Legislature for the public uses of the 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 be pleased to direct.

IV. And be it further enacted by the authority aforesaid, that the said Trustees and their successors in office, shall and may forthwith enter upon the discharge of their functions as such, and shall after making such purchase as aforesaid, procure and agree upon the plan for the erection of the said wharf, and of a Market-house thereon with Stalls and Weigh-house, or temporary Stalls as they shall see fit; and they are hereby authorised to contract for the erection of the said wharf and other buildings aforesaid. Provided always, that no contract shall be entered into by such Trustees until they have given notice by advertisement for three weeks at least in all the news-papers, printed and published in Quebec, that they are ready to receive tenders for the performance of such work, as may be required for the purpose of carrying this Act into effect.

V. And be it further enacted by the authority aforesaid, that the property of the said lot or space of ground, and of the buildings erected thereon under the provisions of this Act, shall be vested in the said Trustees, and their successors in office, and the said Trustees 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 said Market-place and buildings, and that any three of such Trustees shall be a Quorum competent in law to do and perform all such things as such Trustees may by virtue of this Act lawfully do and perform.

VI. Provided always, and be it further enacted by the authority aforesaid, that it shall be lawful for such Trustees or their successors in office to appropriate so much of the said Market-house as a Place for receiving and safe keeping of one of the fire engines, appertaining to the City of Quebec, with buckets and other necessary implements thereunto belonging as to them shall appear necessary.

VII. And be it further enacted by the authority aforesaid, that the said Trustees or their successors in office, shall have power to appoint a Treasurer and to allow him such sum not exceeding twenty-five pounds, currency, per annum, as may to them appear a sufficient remuneration for his services.

VIII. And be it further enacted by the authority aforesaid, that for the purpose of defraying the expense of erecting the wharf and other buildings aforesaid, it shall be lawful for such Trustees to make use of the residue, if any, of the said sum of one thousand pounds, after paying for the lot of ground to be by them purchased for the purposes of this Act, and to borrow on legal interest a sum not exceeding five thousand pounds, currency, to be by them

laid out and employed in the erection of the said wharf, market-house or other buildings aforesaid, and for the purposes of this Act.

IX. And be it further enacted by the authority aforesaid, that for the surety of the 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 authorised to pass a Deed or Mortgage to the Lenders of the money aforesaid, binding and hypothecating the rents or profits to be derived from the said 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 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.

X. 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, and the sum of one thousand pounds, of which the advance is hereby authorised shall have been paid to the Receiver General of the Province as aforesaid, 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 or their successors in office see fit: Provided always, that not less of the capital than five per cent. shall be paid off in one payment, and to all 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.

XI. 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 the Interest thereupon arising, it shall be lawful for the Trustees aforesaid or their Successors in office so soon as the said 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 as 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 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 thereafter may become necessary by the removal, resignation or death of any Treasurer so appointed.

XII. And be it further enacted by the authority aforesaid, that if after the said intended Market-house or temporary Stalls shall have been erected, any part or space thereof shall remain unoccupied, the part or space remaining 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 Market-house or temporary Stalls, for the sale of all sorts of fruit and vegetables.

XIII. 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 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 January terms, 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 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 Market-house or temporary Stalls: Provided that such fees shall be publicly announced before letting said Stalls or places under cover.

XIV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be understood to prevent farmers or other persons not being butchers, from exposing and selling all kinds of butcher's 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 obligated 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.

XV. 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 reason of this Act, shall be considered as belonging to the City of Quebec, 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.

XVI. 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 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 forty shillings, currency, and for the second and every subsequent offence, sixty 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 Quebec, 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 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.

XVII. 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 Market, 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 ten shillings currency.

XVIII. 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.

XIX. And be it further enacted by the authority aforesaid, that all persons offending against this Act, may be 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 Quebec, are hereby authorized 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 live 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 judgement complained of.

XX. 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 Quebec; 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.

XXI. 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 performance of this Act, 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.

XXII. 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 Quebec, and by him paid into the hands of His Majesty's Receiver General, and shall remain at the disposal of the Provincial Parliament for the public uses of the Province, and shall, together with the clue application of the sum of which the advance is hereby authorised, be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time facing, in such manner and form as His Majesty, His Heirs and Successors shall direct.

XXIII. 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 are hereby required to take notice thereof, as such, without the same being specially pleaded.