

*The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 42

**An Act to establish a Market in the Village of Saint Hyacinthe. (26th March, 1830.)**

Whereas a Donation of a certain lot of ground in the Village of Saint Hyacinthe, one hundred and twenty-eight feet in front by two hundred and fifty-one in depth, bounded, on the northeast by a prolongation of Saint Francois Street, thirty-six- feet in width on the south west by a, prolongation of Saint Simon Street of the same width, on the north by a prolongation of Cascade Street of the same width, and on the east, by a prolongation of Saint Antoine Street of the same width, was by a Deed passed before Dessureau and Brunelle, Notaries at Saint Hyacinthe, on the thirtieth day of January one thousand eight hundred and thirty, made by Jean Dessaulles, Esquire, to Jean Francois Tetu, Esquire, Notary and Inspector for the said Village of Saint Hyacinthe, Eusebe Cartier, Esquire, Dominique Casavant, Lambert Sarassin and Joseph Martel, Trustees appointed for the said village of Saint Hyacinthe as such and to their Successors, to have and to hold the said lot of ground to them the said inspector and Trustees and their Successors in their said quality as a Market Place and not otherwise: the said donation and grant made under the charges and according to the following provisions and conditions, that is to say, that the said lot of ground should not be charged within any cens et rentes whatever, that the Inspector and Trustees should obtain an Act from the Legislature during the present Session of the Provincial Parliament for the establishment of a permanent Market Place for the Village of Saint Hyacinthe: that possession of the said lot of ground granted should be given on the first of August next: and whereas it was expressly agreed and determined by and between the said Dessaulles and the said Inspector and Trustees, that in case the Market should cease to exist either by virtue of an Act of the Legislature repealing the Act establishing it or by its ceasing to be used or occupied, or in any other manner the property of the said lot of ground should as a matter of right become again vested in the said Jean Dessaulles, his heirs or assigns without it being necessary for them to have recourse to any formality of or proceedings at law, such being the intention of the said Jean Dessaulles and the said donation being specially made on the said conditions; and whereas it is expedient to adopt Legislative provisions for the establishment of the said Market in the said Village of Saint Hyacinthe: 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 aforesaid, that the said lot of ground shall be and the same is hereby set apart and appropriated as the

spot on which a public market shall be held in and for the said Village of Saint Hyacinthe according to the provisions and conditions of the said donation.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall be lawful for the Proprietors of dwelling Houses in the said village of Saint Hyacinthe to meet on such day and at such hour as shall be appointed by a public notice posted at the door of the Parish Church of Saint Hyacinthe, and read in a clear and audible voice on at least two successive Sundays, immediately after Divine Service in the morning, at the Church door, then and there to elect three Trustees, to have the superintendence and management of the said market, according to the provisions of this Act.

III. And be it further enacted, by the authority aforesaid that the said notice shall be given by at least six proprietors of dwelling houses in the said village and that the Inspector for the said village in Office, by virtue of an Act passed in the fourth year of His Majesty's Reign, Chapter two, intituled, "An Act to repeal a certain Act therein-mentioned, and to provide for, the Police of the Borough of William Henry [Sorel-Tracy], and certain other villages in this Province," shall preside at the said meeting.

IV. And be it further enacted by the authority aforesaid, that an Act of the said Election, shall be drawn up before two Notaries, or one Notary and two witnesses, whereof a minute shall be kept.

V. And be it further enacted by the authority aforesaid, that of the said three Trustees, the Trustee first elected shall preside at the meeting which they shall hold for the management and superintendence of the said Market.

VI. And be it further enacted by the authority aforesaid that the said Trustees shall remain in office until the first day of July, one thousand eight hundred and thirty-one; and that such Trustees shall be annually elected for the then next ensuing year, at a meeting by the proprietors of dwelling houses, in the said village after a notice given in the manner hereinbefore provided by the said Trustees or a majority of them, at which meeting the Chairman of the Trustees appointed under this Act, shall preside.

VII. And be it further enacted by the authority aforesaid, that in case the election of the said Trustees by some unforeseen occurrence should not have taken place in the said month of July the same may take place in the manner directed by this Act at any other subsequent time for the remainder of the year.

VIII. And be it further enacted by the authority aforesaid, that in case of one of the said Trustees should die or become incompetent to fill his office by interdiction or other legal cause or cease to reside in the said village, or absent; himself for more than two months, it shall be lawful to proceed to the election of a Trustee to act in his stead for the remainder of the year, which election shall be made by the persons and in the manner herein before provided for the annual elections of Trustees of the said Market.

IX. And be it further enacted by the authority aforesaid, that from and after the said election, it shall be lawful for the said Trustees or a majority of them, to erect in the middle of the said Market Place, a double row of stalls, in which butchers meat shall be sold or exposed for sale.

X. And be it further enacted by the authority aforesaid, that the said Trustees shall be empowered and authorised to bring any action and may be sued under the name of the Trustees of the Market of the Village of Saint Hyacinthe, to all intents and purposes in Law, relatively to the matters with which they are intrusted by this Act.

XI. Provided always and be it further enacted by the authority aforesaid, that the space occupied by the said stalls, shall not be more than thirty feet in width for the said stalls, nor more than forty feet including the space covered by any addition made to the roof, in case the said Trustees should wish to set apart a place in said Market for the sale or exposure for sale, of vegetables or other articles of the same nature.

XII. And be it further enacted by the authority aforesaid, that so soon as the same shall be expedient after the passing of this Act, it shall be the duty of the said Trustees, or a majority of them, to lot each of the stalls which they shall erect, or which have been heretofore erected in the manner hereinafter set forth, by public auction and by adjudging the same to the highest bidder, for the time to elapse between the time of such adjudication, and the first day of January one thousand eight hundred and thirty-one.

XIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Trustees to proceed in like manner, before the first day of January one thousand eight hundred and thirty-one, to let by public auction and adjudication each of the said stalls for another years and so successively every year to let the same for the subsequent year, commencing on the first January then next.

XIV. Provided always, and be it further enacted by the authority aforesaid, that the said Trustees, shall not so let the said Stalls, without having given notice thereof, at least fifteen days previous to the adjudication thereof, by two notices given in a clear and audible voice, at the door of the Church of Saint Hyacinthe, on two successive Sundays immediately after divine service in the morning, and posted also on the door of the said Church, and also by notice given in the same manner at the said Market, between the hours of ten in the forenoon and of one in the afternoon, on two successive Saturdays, stating the day and hour at which they will proceed to the said adjudication.

XV. And be it further enacted by the authority aforesaid, that if the said stalls should not be all so let for the year for which the said Trustees shall have made the said adjudication, the said Trustees or a majority of them, may let for the remainder of the year such stalls as shall so remain unlet, to any persons intending to sell or expose to sale therein, any kind of provisions whatever, for such consideration or rent as they may think proper, and as may be

agreed on between them and the persons who shall wish to hire the said stalls for the purpose aforesaid.

XVI. And be it further enacted by the authority aforesaid, that any person who shall sell, or expose for sale any Butcher's meat, provisions, or other commodities inside the said stalls, without leave from the said Trustees, shall incur penalty not exceeding two shillings and six pence currency, for the first offence} nor ten shillings currency, for every subsequent offence.

XVII. And be it further enacted by the authority aforesaid, that the income arising from the letting of the said stalls, shall be employed by the said Trustees for the payment of the expenses incurred in the erection of the same, and for maintaining, rebuilding and repairing them, when need may be, and for maintaining, repairing and embellishing the said market, so as to render it commodious and cleanly.

XVIII. And be it further enacted by the authority aforesaid, that the said Trustees shall keep a Register and account of their doings and expenses, which Register and account shall remain in the keeping of the said Chairman of the said Trustees, and shall be by him delivered to his successor, and to which said Register and account, all the freeholders in the said Village, entitled to vote at the election of the said Inspector, shall have access without incurring any expense therefor.

XIX. And be it further enacted by the authority aforesaid, that in case the said income should be more than adequate for maintaining, repairing and embellishing the said Market, it shall be lawful for the said Trustees after taking the advice of the proprietors of houses in the said Village at a meeting held in the manner as directed by this Act for the election of the said Trustees and according to the said advice to apply the surplus of the said income to the keeping in repair of the streets or public places of the said Village or to the support of Schools therein.

XX. And be it further enacted by the authority aforesaid, that all fines and penalties incurred for any offence against this Act, shall be recovered with costs in a summary manner, before any Justice of the Peace of the County, on the oath of one credible witness other than the informer, and one moiety of every such fine, shall be paid to the informer, and the other moiety to the Trustees of the said market, and by them employed in the same manner as the income of the said market is hereinbefore directed to be employed.