

The Provincial Statutes of Lower-Canada, Being the second session of the fifteenth Provincial Parliament of Lower-Canada. Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1836.

6 William IV – Chapter 7

An Act to establish a New Public Square at Montreal, and for other purposes therein mentioned. (21st March, 1836.)

On the Petition of the Mayor and Common Council of the City of Montreal, praying that the Marketplace commonly known by the name of "The New Market," may be enlarged, and praying also that the Corporation of the City of Montreal may for that purpose be enabled to purchase a certain Lot of Ground, forming part of the Estate of the late Bazile Proulx: and to borrow a certain sum of money, as well to purchase the said Ground as for other purposes mentioned in their said Petition; and whereas the said Lot of Ground was subjected to entail (greve de substitution) by the will of the said Bazile Proulx, and therefore cannot be sold without the intervention of the Legislature by reason of the impossibility of ascertaining to whom the said Ground will belong when the entail shall determine: and whereas it would be advantageous that the said Ground should be at the disposal of the Corporation of the City of Montreal; 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 the said Corporation of the City of Montreal may and they are hereby authorized, within twelve months after the passing of this Act, to purchase the said Lot of Ground, with the house and buildings thereon erected, belonging to the Estate of the late Bazile Proulx, and by him entailed by his Will, bearing date the twenty-sixth day of April, one thousand eight hundred and eight, passed before Mr. Papineau, Notary Public; the said Ground being bounded as follows. In front by the line of Saint Paul Street, in the rear partly by the Market destined for the sale of live cattle and partly by the line of Commissioners Street, on the north east partly by Saint Charles Street and partly by the Market last mentioned, and on the south west by the representatives of J. Pickle.

II. And be it further enacted by the authority aforesaid, that the said Corporation in order to effect the said Purchase, shall proceed in the manner provided by the thirteenth Section of the Act to incorporate the City of Montreal, passed in the first year of His Majesty's Reign, Chapter fifty-four, in cases here the proprietor or proprietors shall be unknown; and shall cause a Curator ad hoc to be appointed, who shall have power at the proper time to give a valid title to the said Corporation.

III. And be it further enacted by the authority aforesaid, that the price of the said Ground, House and appurtenances shall represent the property so entailed and shall be subject to all the provisions of the Will of the said late Bazile Proulx.

IV. And be it further enacted by the authority aforesaid, that for the better security of the heirs or legatees of the said late Bazile Proulx, or their legal Representatives, who may under his Will be entitled to enjoy the issues and profits of the said House and Ground, it shall be lawful for such heirs or legatees, or their legal representatives, to demand and receive from the said Corporation, the amount of the purchase money, on giving to the said Corporation within three months after the purchase shall have been effected, good and sufficient security before, and to the satisfaction of two of the Judges of the Court of King's Bench, for the District of Montreal, that whenever the said entail shall determine, the said purchase money shall be paid to the heirs, or legatees in remainder, in whom, under the said entail the property thereof, shall be vested; and in default of their giving such security, within three months as aforesaid, the said Corporation shall pay the legal interest thereof quarterly, to such of the heirs of the said late Bazile Proulx, as shall under his Will, be at the time entitled to enjoy the issues and profits of the said House and Ground; and when the said entail shall determine, (sera ouverte) the said Corporation shall pay the principal to the heirs or legatees in remainder in whom under the said entail the property shall then be vested.

V. And be it further enacted by the authority aforesaid, that as soon as the said purchase shall have been made, it shall be lawful for the said Corporation to make of the said Ground and of the public Ground thereunto adjoining, (comprised within the line separating the said Ground from that belonging to the representatives of the late J. Pickle,) a public Square, for the purpose of establishing a Market thereon, in such manner as the said Corporation shall deem most advantageous for the Public; and the Market aforesaid, now appropriated for the sale of live Cattle, shall also form part of the Public Square within the limits of which it is included; Provided always, that the said Corporation shall, as soon as possible, set apart, a fit place in the said New Square for the sale of live Cattle.

VI. And be it further enacted by the authority aforesaid, that the said Corporation shall be and they are hereby authorized, to cause Stalls to be erected on the said Square, and to construct and erect Wharves and to cause such other works to be constructed, and to erect such buildings on the said Ground, as the said Corporation shall deem most conducive to the public benefit.

VII. And be it further enacted by the authority aforesaid, that the said Corporation are hereby authorized to borrow money for the purposes of this Act, and to issue Notes or Bonds, under the signature of the Mayor for the time being, and the seal of the Corporation, bearing interest at a rate not exceeding six per cent per annum, provided that the several sums so borrowed for the purposes of this Act, shall not at any time, exceed altogether the sum of ten thousand pounds currency, and in case they shall so borrow any larger sum, the

Common Councilmen who have consented thereto, and they alone, shall be in their private capacity and jointly and severally responsible for such excess.

VIII. And be it further enacted by the authority aforesaid, that all the issues and profits of the improvements which shall be made on the said Public Square, under this Act, shall be specially appropriated to the payment of the interest of the sums borrowed as aforesaid, and to the payment of the principal, and such payment shall be made according to the terms and conditions to be made between the parties at the time when the money shall be borrowed.

IX. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall affect the rights of His Majesty. His Heirs and Successors, or any other person, body politic or corporate, other than, such as are expressly mentioned in this Act.