

The Provincial Statutes of Lower-Canada, Being the third session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1807.

47 George III – Chapter 7

An Act for building a new Market House in the City of Montreal, for removing part of the Stalls on the old Market place, and regulating the same, and to authorise the borrowing a certain sum of money for those purposes. (16th April, 1807.)

Whereas the square in the City of Montreal now in life as the public Market Place, is too small in extent and otherwise inconvenient for the numerous and increasing population of the said City, and a new square or space of ground has been ceded to the Magistrates of the said City of much greater extent and conveniency, on the condition and for the special purpose that the said new square shall be constituted and declared a Public Market Place, in and for the said City of Montreal; and the Magistrates aforesaid having declared that the said new square shall become a Public Market Place, in conformity to an Act of the thirty sixth year of His Present Majesty's reign, intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes," And whereas the said Magistrates for the conveniency of the inhabitants of the said City, and of all other persons resorting thereto, are desirous of erecting in the said new square, a suitable and convenient Market house, with Stalls for selling and exposing to sale, all kinds of butcher's meat, for which purpose, the said Magistrates have by Petition to the Legislature of the Province prayed for leave to borrow a certain sum of money, to be laid out in the building of such Market-house, with Stalls; and further to authorise them to mortgage the rents or profits that may arise from letting out the said Stalls, as security for the principal and interest of the money so borrowed. 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 Magistrates for the City and District of Montreal, or any five of them being resident within the said City of Montreal, or the Suburbs thereof, are hereby constituted and appointed Trustees, for the purpose of carrying this Act into effect.

II. And be it further enacted by the authority aforesaid, that the said Trustees shall meet at the Court House of Montreal aforesaid, on the first day of July next ensuing the passing of this Act, then to enter upon the discharge of their duty: and it shall and may be lawful for the said Trustees, to cause to be prepared and laid before them, a plan of a new Market-house with Stalls, to be erected within the said City of Montreal, upon the new square or space ceded as above said to the Magistrates of the said City, and the same being approved

of by the said Trustees, they are hereby authorised to treat and contract for the building of the said Market-House and Stalls, with such person or persons as may be willing to undertake for the same. Provided always, that no contract shall be entered into by the said Trustees, until they shall, by advertisement, for three weeks in the Quebec Gazette, and such other Newspaper as they shall judge expedient, have given notice, that they are ready to receive proposals in writing for the work to be performed.

III. And be it further enacted by the authority aforesaid, that for defraying the expences of erecting a new Market-House with Stalls as aforesaid, it shall and may be lawful for the said Trustees to borrow on legal interest, a sum of money, not exceeding two thousand five hundred Pounds currency, to be laid out in part or in whole, in the erecting a suitable and convenient Market-House with Stalls in the City of Montreal, on the new square aforesaid, as to them may appear necessary. Provided always, that it shall be lawful for the said Trustees to lay out so much of the said new Market-House, as to them shall appear necessary, for the receiving and safe keeping of one of the Fire Engines belonging to the City of Montreal, with buckets and other implements thereunto appertaining.

IV. 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 and may be lawful for the said Trustees, and they are hereby authorised, 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 and Stalls, in manner as is herein after 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 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.

V. And be it further enacted by the authority aforesaid, that it shall be the duty of the Paid Trustees so soon as there shall be funds in their hands for that purpose, and that 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 payment 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 ten 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, three fourths in value of the other lenders, their heirs, executors, curators or assigns, shall thereunto agree.

VI. 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 and may be lawful for the Trustees aforesaid, so soon as the said new Market-House, with the Stalls or such part thereof as the Trustees shall think sufficient for the purpose of selling butcher's meat, shall be completed, 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 shall seem expedient, into the hands of the Treasurer to be named and appointed by the Trustees aforesaid, and they are hereby empowered to remove the said Treasurer, and to appoint another, and from time to time, to make such appointment as thereafter may become necessary by removal or by death of any Treasurer so appointed.

VII. And whereas it may for some time to come be unnecessary to fill up the whole of the said new Market house with Stalls for the sale of butcher's meat, and part of the Stalls which are to be erected may at times remain unlet for that purpose; Be it therefore further enacted by the authority aforesaid, that the space unoccupied by Stalls, as also any Stalls unlet for the sale of butcher's meat, may, by the Trustees aforesaid, be let out to hire for the purpose of selling and exposing to sale Grain or any other Provisions, for such rent, as they may deem 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, for the sale of all sorts of fruit and vegetables.

VIII. 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 places under cover, in either of the said Market places, are bound to pay for the same, it shall and may 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; to be paid to the said Clerk or Clerks of the Market by persons occupying Stalls or other places under cover in the laid Market places. Provided that such Fees shall be notified before letting said Stalls or places, under cover, to the person or persons desirous of hiring the same.

IX. And be it further enacted by the authority aforesaid, that the Treasurer so to be appointed, shall, before entering upon his office, give good and sufficient security to the satisfaction of the Trustees, that he shall faithfully account for all monies he may receive by virtue of this Act, and for the due execution of the trusts reposed in him, by virtue of the same: and the said Treasurer shall be allowed for his trouble, in receiving and paying monies according to the purposes of this Act, a sum not exceeding twelve pence in the pound on the monies so paid; and it shall be lawful for the said Trustees to alter the allowances to be made to the Treasurer, by increasing or diminishing the same as they see fit and reasonable, so as that the rate abovesaid, be not in any case exceeded.

X. And be it further enacted by the authority aforesaid, that from the time that forty Stalls at the least shall be erected as aforesaid, it shall not be lawful for any person or persons whatsoever to sell or expose to sale any butchers meat at any place or part, within the City of Montreal, or Suburbs thereof, other than at the said Stalls, (excepting as herein after provided,) and if any person shall sell or expose to sale any butchers meat at any other part or place, within the limits of the City of Montreal, (excepting as herein after provided,) such person shall forfeit and pay for the first offence, the sum of Ten Shillings currency, and for the second and every subsequent offence, the sum of Twenty Shillings, also, currency of the Province. Provided always, that nothing in this Act contained shall extend or be construed to extend, to prevent any butcher or other person from selling any butchers meat in their own shop or dwelling house. Provided also, that farmers and other persons, not being butchers, may sell and expose to sale all kinds of butchers meat, grain, poultry, and other provisions in sleighs, carts or other carriages, to be arranged as the Justices of the Peace shall direct on the square of the old Market place, and on the streets bounding the new Market-house, on the North East and South West sides thereof, in such manner, that the Street, called, Notre Dame, and also the Street called Saint Paul's, shall, on market days, throughout the whole extent of the said Streets be kept free and clear of all such carts, sleighs or other carriages: And Provided also, that for the convenience of the inhabitants of the Western part of the said City, one range with double Stalls for the sale of butcher's meat shall be preserved upon the present Market Place or square, in the laid City, so as that the same be placed in such situation under the direction of the Magistrates as shall neither obstruct any part of Saint Paul's street, nor the communication to and from the port of Montreal through the said present Market place; and the said range of double Stalls shall be subject to the payment of such annual rent, as the Justices of the Peace for the said City in their Quarter Sessions in the month of January, annually, shall deem fair and reasonable, not exceeding the rent of the Stalls in the new Market House.

XI. And be it further enacted by the authority aforesaid, that all and every the Stalls now standing on the present Market place or square, shall be taken down and removed, and compensation shall be made to the present proprietors for the value of the said Stalls (and nothing more) as they may be found at the time of removal, by nine disinterested persons upon oath; which persons may and shall be named by the Justices for the City and District of Montreal, in their Weekly or Quarterly Sessions; and the said Justices are hereby authorised to administer such oath, to the persons to be so named and appointed; and a majority of such persons shall be competent to ascertain the value of such Stalls, and shall certify the same under their Signatures and the compensation so ascertained, as also, the expences of removing and replacing the said Stalls shall be paid from out of any monies that may then remain or afterwards come into the hands of the Treasurer of the Trustees, by order, from any three of them directed to the said Treasurer: Provided always, that one range of double Stalls shall be replaced in the present Market place, as is herein before directed.

XII. 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, Forfeitures and Penalties by this Act imposed.

XIII. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully, carelessly or negligently, injure, deface or spoil, any part of the new Market-house or Stalls, or pavements or flooring thereunto belonging, or the Stalls which are to be erected on the present Market-place, every person or persons so offending, shall forfeit, for the first offence, the sum of Twenty Shillings current money; and for the second and every other offence, the sum of Forty Shillings like money, 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 above said, cannot be found or that the same be not paid within ten days after the 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.

XIV. And be it further enacted by the authority aforesaid. that it shall be the special duty of the Clerk or Clerks of the said Markets, and they are hereby required to oversee the carrying into effect, all Rules and Regulations of and respecting the said Markers, and to prosecute all offences that may be committed against the same, and the said Clerk or Clerks for every neglect of duty, shall be subject to and incur a Penalty not exceeding Forty Shillings, and not less than Twenty Shillings, current money.

XV. And be it further enacted by the authority aforesaid, that it shall 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, notwithstanding their being Trustees.

XVI. 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.

XVII. 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 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 chattel after such rent, penalties and forfeitures with the reasonable charges of the prosecution shall be deducted and paid.

XVIII. 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 brought within one month after the same shall be alledged 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.

XIX. 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.

XX. 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.