

The Provincial Statutes of Lower-Canada, Being the first session of the eighth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1815.

55 George III – Chapter 7

An Act to demolish the Market House of the Upper Town of Quebec, and to provide means for erecting new Stalls, and for other purposes therein mentioned. (25th March, 1815.)

Whereas the Market House of the Upper Town of Quebec, by reason of the large quantity of wood employed in the construction thereof, and also by reason of its great height, a circumstance which would prevent the possibility of giving assistance in case of Fire, exposes the City to the risk of being consumed, and whereas the noxious air which thence exhales may so corrupt meat as to endanger the health and even the life of the Inhabitants, and whereas also the sum necessary to complete and put the same into good repair, added to the value of the Materials of which the same is composed might suffice for the erection of a new Market House, ornamental to the City and divested of those inconveniences: May it therefore please Your Majesty that it be enacted, and be it enabled 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 it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by an instrument under his hand and seal at arms, to nominate and appoint five persons for the purpose of demolishing the said Market House of the Upper Town of Quebec, or of selling the same on condition that it be demolished, and to cause new Stalls and other conveniences to be erected on the said Market Place, and to remove the said persons or any of them, if he shall think fit, and to appoint others in the room of those removed or who may die or resign their trust, and the persons who, as aforesaid, shall be nominated and appointed, are hereby constituted Trustees for the demolition or sale of the said Market House, and for the erection of new Stalls and other conveniences.

II. And be it further enacted by the authority aforesaid, that the said Trustees shall meet at the Court House in Qebec, within fifteen days after the passing of this Act, for the purpose of concerting and taking the necessary measures for carrying the same into execution, and the said Trustees may thereafter meet from time to time as often as need may be, at the same place or elsewhere for the purpose aforesaid: Provided always, that before carrying into execution this Act, the said Trustees he better to enable themselves to ascertain the amount of the expense which it would be reasonable to incur in the execution thereof, shall procure from the Justices of the Peace for the District of Quebec, resident in the City of Quebec, a correct, detailed and explanatory account, signed by them or any three of them, of all and every the sum and sums of money, which at the passing of the present Act may remain due and unpaid on account the building of the said Market-House, and also a similar account of all and every the sum and sums of money which at the passing of the present Act, shall

stand appropriated by Law to the payment of whatever may so remain due upon account of the said Market House, and which may be in the hands keeping and position or under the controul of the laid Justices of the Peace or any of them; Provided nevertheless that nothing in the present Act contained, shall have the effect of preventing the said Justices of the Peace from continuing to pay off and discharge whatever may then remain due upon the said Market House, out of the monies to that purpose appropriated, and which shall then be in the hands, keeping and possession or under the controul of the said Justices or any of them, and with respect to the sums, which may remain due to the Creditors of the said Market-House, the said Justices of the Peace or any three of them, shall lay before the said Trustees a detailed account thereof, by them signed, which Trustees are hereby authorised to pay and discharge the said sums to the persons to whom they may be due, out of the monies and in the manner herein after provided.

III. And be it further enacted by the authority aforesaid, that the said Trustees before entering into any Contract or expending any money in carrying into execution the present Act shall prepare and submit to the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, for his approbation, Plans, Proposals and Estimates of the Works to be accomplished under this Act, in as far as the same relate to the erection of new Stalls, to the repairing of the Cistern of the said Market Place, to the diverting of the course of such currents of filthy water as empty themselves therein, to the covering or part covering of the same with a Building, for containing fire Engines, fire Buckets and other utensils, and to the doing of all and every other matter and thing fit, useful and proper to be done relative to the said Market Place; and when the said Plans, Proposals and Estimates shall have been allowed and approved, copies thereof shall be published in two successive Gazettes of Quebec, and in two successive Gazettes of Montreal, before the said Trustees shall conclude upon or definitively enter into any Contract or agreement relative to the subject of the said Plans, Proposals and Estimates, and before they proceed to carry the same into execution in any respect.

IV. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Trustees within eight days next after their nomination and appointment, as aforesaid, by advertisement in the Quebec Gazette on two successive Thursdays, and also by sound of the Bell in the usual manner, to announce that sale of the whole of the said Market-House will be made by public Auction, to the highest and last bidder, on condition the person or persons purchasing the same will cause the same to be demolished, and will leave the place free from all rubbish and from the Materials which composed the said Market-House, and from all incumbrances within a reasonable space of time also to be fixed, and will also pay to the Treasurer of the said Trustees the price of the adjudication within the time and in the manner in the said conditions of sale expressed; Provided nevertheless, that, in case the said Trustees shall not find the bidding at such Auction amount sufficiently high, and in case they shall judge that a private sale of the said Market-House would be a more productive method of disposing of the same, or that the employment of the Materials thereof in the construction of New Stalls and other works to be erected upon the said Market Place, would be more advantageous, it shall and may be lawful to and for the said Trustees to stop and prevent the said Sale and adjudication and to dispose of the said Market-Hall in the manner which they shall judge most advantageous.

V. And whereas the produce of the sale of the said Market-Hall, if the same take place, or the employment of the Materials thereof would be insufficient for the erection of new Stalls and other things fit to be made and done, at upon and to the said Market-Place under this Act, and that it will be necessary during some time to apply the rent of the new Stalls to the payment and discharge of the balance still due on account of the first cost of the said Market-House, be it therefore further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant-Governor or person administering the Government of this Province for the time being, out of the unappropriated monies in the Hands of the Receiver General of this Province, or which may hereafter come into his hands arising from any Act or Acts of the Provincial Parliament, to advance the said Trustees a sum, not exceeding Fifteen Hundred Pounds, current money of this Province, as they shall require the same to be applied to the purposes of this Act; Provided always that the said Trustees in the execution of the powers hereby given to them shall not, on any account whatever, exceed the said sum of Fifteen Hundred Pounds, and the monies arising from the Sale of the existing Market House or of the materials thereof.

VI. And whereas it is expedient to provide as well for the payment and discharge of any balance which may remain due upon account of the first cost of the existing Market-House as for making good the laid sum of Fifteen Hundred Pounds, currency, to be advanced under this Act, be it further enacted by the authority aforesaid, that the Rents of the Stalls to be built shall be first applied by the said Trustees, from year to year, to the payment and discharge of the sum which may now remain due on account of the first cost of the said Market House, both principal and interest, according and agreeable to the Contracts, agreements and obligations which may exist between the said Justices of the Peace and the Creditors of the said Market-House or as it may be agreed upon between the Trustees appointed under this Act, and the said Creditors, and the said rents shall be next applied annually, (the expenses of repairing and keeping up the said Stalls first deducted) to repay and make good the aforesaid sum of Fifteen Hundred pounds, currency, to be advanced under the Act; Provided always, that it shall be the duty of the said Trustees annually to settle a correct account of the Rent of the said new Stalls, and also, of the expenses of repairing and keeping up the same, of which account they shall submit a copy to the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, and shall cause the said accounts to be published in the Quebec Gazette, on two successive Thursdays.

VII. And be it further enacted by the authority aforesaid, that the said Trustees shall nominate and appoint a Treasurer, whom they may remove, and appoint another in his room whenever they shall think fit, for the receipt and payment of all monies which shall be received and expended under this Act; and also to assist at the meetings of the said Trustees whenever he shall be by them required so to do, in order to reduce to writing their Resolutions, orders and other proceedings by them had in execution of this Act, which said Treasurer shall give such sureties as the said Trustees shall judge reasonable for the faithful execution of his Trust, and shall retain, and is hereby authorised to retain as a recompense for his services, two and half pounds per centum, on all the monies which shall come into his hands under this Act, and no more.

VIII. And be it further enacted by the authority aforesaid, that the said Trustees shall meet once in every year between the first and tenth days of April, in order to fix the Rates of the Rent at which the

Stalls to be erected under this Act, shall be put up at public Auction; and to fix also the day, the hour of the day and the place at which the outcry and adjudication of the same shall be proceeded to: which shall occur between the twentieth day of April, and the first day of May in each and every year, and they shall then give notice by advertisement in the Quebec Gazette, once, and by sound of the Bell on the Market-Places, on two days successively (immediately preceding the day on which such outcry and adjudication is to be made) between the hours of nine and eleven in the forenoon, of the day, hour of the day, and place which they shall so have fixed for such outcry, and adjudication, and the said Trustees upon the day, at the hour of the day and place so fixed and announced, shall proceed to cause to be put up at auction and outcry, and adjudged to the highest bidder, the said Stalls, one by one; Provided always, that no adjudication shall be made in consideration of a rent lower than that fixed by the said Trustees as aforesaid. And provided also, that if all or any of the said Stalls shall not then be let or if after having been let, there be any Stall or Stalls which, through unforeseen circumstances, shall remain without a tenant, then and in each of the said cases the said Trustees shall and they are hereby authorised to dispose of such Stall or Stalls by sale and adjudication in manner aforesaid, on giving notice by sound of the Bell as herein before prescribed, and the rent of the said Stalls shall be paid into the hands of the said Treasurer, in such periods or terms as the said Trustees shall judge fit to assign.

IX. And be it further enacted by the authority aforesaid, that when and so soon as the said new Stalls and other things fit and useful to be made and done to and upon the said Market Place under this Act shall be complete, and the said sum of Fifteen Hundred Pounds reimbursed, the powers of the said Trustees shall determine, and that the said Trustees shall place in the hands of the Clerk or Clerks of the Peace all the proceedings, accounts given in contracts, agreements and other papers whatsoever relating to the execution of this Act, to remain of record in the Office of the Peace, and the said Justices of the Peace shall thence forth be considered Trustees for the conduct and direction of the said Stalls and of all other matters and things which to and upon the said Market Place shall have been made, done and performed, and shall thereafter continue from time to time to lease the same in the manner herein prescribed in that behalf with respect to the Trustees, except only that the said Justices of the Peace shall not be held previously to fix the rates of the rent as the Trustees to be appointed under this Act are held to do, and the Rents, Revenue and profits thence arising, shall be applied to and upon the repairing and keeping up of the said Stalls and other things so made and done, and the surplus shall be applied to the same purposes as the monies levied and collected under an Act passed in the thirty-sixth year of His Majesty's Reign, intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province and for other purposes," and under an Act passed in the thirty-ninth year of His Majesty's Reign, intituled, "An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, 'An Act for makings repairing and altering the Highways and Bridges within this Province, and for other purposes.'"

X. And be it further enacted by the authority aforesaid, that if any person shall either through negligence or wilfully destroy, spoil or injure any part of the said Stalls and other works, which shall be made under this Act upon the said Market Place, every person so offending, shall for the first offence incur a penalty of two pounds, currency, and for the second and every subsequent offence shall incur a penalty of five pounds, currency, and such further and other sum as the two Justices of the Peace before whom the information shall be laid in their weekly sittings shall confider a reasonable compensation for the Damage done by the person so offending, and in default of payment within

fifteen days after the rendering of the Judgment, the said Justices of the Peace are hereby authorised to commit the person so offending, to the House of Correction or to the Common Goal of the District of Quebec, for a space of time not exceeding thirty days.

XI. And be it Further enacted by the authority aforesaid, that every person offending against this Act, may be prosecuted by the Treasurer, and all penalties and forfeitures shall be recovered by the Sheriff of the District of Quebec, and by him paid to the Receiver General to and for the use of His Majesty, His Heirs and Successors; and shall be applied to the Public purposes of the Province and to the support of the Civil Government thereof; and the Justices of the Peace or any two of them in their weekly sittings are hereby authorised and required to hear and determine all informations and complaints relative to offences against this Act, upon the Oath of one or more credible Witness or Witnesses other than the informer.

XII. And be it further enacted by the authority aforesaid, that it shall be the special duty of the Clerk of the Market to see to the execution of all rules and regulations touching the new Stalls and other works which may be made or executed upon the said Market Place, and to prosecute all persons contravening any of the said rules and regulations and the said Clerk of the Market, shall incur a penalty not exceeding five pounds, currency, nor being less than twenty shillings, currency, for every neglect of the said duty.

XIII. And be it further enacted by the authority aforesaid, that the Rents and the Penalties and forfeitures which may become due under this Act shall be recovered and levied by seizure and sale of the moveable property of the person convicted, by Warrant under the hands and seals of any two or more Justices of the Peace for the District of Quebec, and the persons who by such Warrant shall be commanded to seize such moveable property, are hereby authorized to sell such moveable property, and they shall restore any money arising from such sale, over and above the sum they may be commanded to levy, (if any there be) to the owner thereof, upon his demand therefor, the amount of such rent or of such penalty or forfeiture being first deducted therefrom and paid.

XIV. And be it further enacted by the authority aforesaid, that all prosecutions for offences against this Act, shall be commenced within one month next, after the commission of the offence and not afterwards, and if any action, suit or Prosecution shall be instituted against any person for or by reason of any Act or thing done in virtue of this Act, such action, suit or prosecution shall be instituted within three Months after the day on which such Act or thing shall be alleged to have been committed, and not afterwards, and every person who shall fail in any such action, suit or prosecution or shall discontinue or withdraw the same, shall be adjudged and condemned to pay treble costs.

XV. And be it further enacted by the authority aforesaid, that the due application of the monies raised, levied and collected under this Act, shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty Treasury for the time being in such manner and form as His Majesty, His Heirs and Successors shall direct.

XVI. And be it further enacted by the authority aforesaid, that the present Act shall be deemed and taken to be a Public Act in all Courts of judicature in this Province, and as such shall be noticed by all

Judges, Justices of the Peace and other persons without specially pleading the same; Provided always that nothing herein contained, shall affect or be construed to deprive His Majesty, His Heirs or Successors, or any person or persons, or any Body Politic or corporate of any right whatsoever which they or any of them may have or claim to have, in, touching or concerning the said Market Place.

XVII. And be it further enacted by the authority aforesaid, that an Act made and passed in the Parliament of this Province in the forty-seventh year of His Majesty's Reign, intituled, "An Act for continuing and completing the building of the Market-House in the Upper Town of Quebec, and which provides means for defraying the expenses thereof" be, and the same is hereby repealed.