

Laws of Her Majesty's Province of Newfoundland, passed in the year 1850.

13 Victoria – Chapter 11

**An Act for the Regulation and Management of the Public Market House in the Town of Saint John's.
(Passed 30th April, 1850.)**

Whereas a Public Market House has been built in the Town of Saint John's, and it is necessary to make provision for the care and management of the same, and for the ordering and governing of the Market to be therein established:

I. Be it enacted, by the Governor, Council and Assembly of Newfoundland, in Legislative Session convened, and by the authority of the same, that it shall and may be lawful for the Governor, or Person Administering the Government for the time being, from time to time, as he shall think fit, to nominate and appoint a fit and proper person as Keeper of the said Market House, who shall be sworn to the faithful discharge of his duty before a Stipendiary Justice of the Peace, and shall have the same power and authority as a Constable in all matters relating to keeping the peace in the said Market, and to fix and determine such allowance to be paid to such Keeper out of the rents and profits of the said Market House, as to the Governor or Person Administering the Government shall appear just and reasonable; and the Governor or Person Administering the Government shall appoint the first Market Day for the opening and establishing of the said Market, from which day ever after, such Market shall be deemed and taken to be a Public Market.

II. And be it further enacted, That the Governor and Council shall have power from time to time to make and establish all such bye-laws as may be necessary for the better regulating, ordering and governing the said Market, and for prohibiting the slaughtering of cattle, sheep and pigs in the said town, within certain limits to be fixed by them, and in and by such bye-laws to regulate and fix the rate or rates of the stalls or standings in the said Market House; to make bye-laws for the care, preservation and management of the Public Wharf, situate in Church Hill Public Cove, and opposite the said Market House, and to fix and establish the rates, dues and charges to be paid for and upon Wares and Merchandize, or other articles, landed on the said Public Wharf, and for the use of such Wharf by any ship or vessel lying thereat; and to annex a penalty not exceeding the sum of five pounds for the breach or neglect of any such bye-laws: Provided such bye-laws, or any of them, shall not be repugnant to the law of this Colony; all which bye-laws, having been published in the Royal Gazette, shall be of the same force and effect as if the same were herein contained and enacted; and one or more printed copies of the said bye-laws and of this Act shall at all times be kept hung up and exposed to public view in the said Market House.

III. And be it further enacted, That the Keeper of the said Market House shall attend during Market Hours, and shall have authority to seize and take all meat blown or stuffed, or in any ways fraudulently or deceitfully set off, and all tainted meat, fish and poultry, offered for sale in any part of the said town, or in violation of the bye-laws to be made as aforesaid, and shall expose the same to the view of any two Justices of the Peace, and if the said Justices shall find such meat, poultry, or fish, to be tainted or fraudulently set off or improperly exposed to sale contrary to the true intent and meaning of this Act,

or of such bye-laws to be made as aforesaid, they shall cause the same to be distributed in such manner as they shall direct; and if the said tainted meat, poultry, or fish, shall be wholly unfit for food, the said Justices may cause such meat, poultry, or fish, to be burnt or destroyed, and adjudge the person offering the same for sale, to be fined in a sum not exceeding twenty shillings.

IV. And be it further enacted, That all penalties and forfeitures imposed by this Act, or to be imposed by any such bye-laws as aforesaid, and all rates or rents of stalls or standings in the said Market House, and all such rates, dues and charges of wharfage as aforesaid, respectively, shall be recoverable with costs, in a summary way, before the Court of Sessions of the Central District, by and in the name of the Keeper of the said Market House for the time being, in the same manner and by the like ways and means as if such penalties or forfeitures, and such rates or rents, dues or charges, or any of them, respectively, were a private debt due to such Keeper; and the proceeds of all such penalties and forfeitures, when recovered, shall be paid and applied, one half thereof to the use of the person suing for the same, and the other half to the carrying into effect the purposes of this Act.

V. And be it further enacted, That the proceeds of all such rates, rents, dues, charges, penalties and forfeitures, shall be strictly accounted for, quarterly, by such Keeper, to the Stipendiary Justices of the Peace of the district, and his accounts shall be audited and certified by two of such Justices, and transmitted quarterly to the Governor or Acting Governor; and such proceeds, after deducting thereout the allowance to be made to the said Keeper, and the incidental expenses of the said Market House and Wharf, shall be paid over to the Colonial Treasurer for the general purposes of the Colony; and a correct return of all penalties recovered, and of all rates and rents received, and of the appropriation of the same, shall yearly be laid before the Legislature, within the first ten days of the Session thereof.

VI. And be it further enacted, That this Act shall be and continue in force for the period of two years, and from thence to the end of the then next session of the Legislature.