

C A P . X C V I I .

An Act to authorize the Municipal Council of the Town of Amherstburg, to sell the Site of the old Market in that Town.

[Assented to 22nd April, 1853.]

WHEREAS by Letters Patent, under the Great Seal of the Province of Upper Canada bearing date the thirteenth day of June, in that year of our Lord one thousand eight hundred and twenty-two, all the parcel or tract of land situate in the Town of Amherstburg, in the County of Essex, containing by admeasurement, twelve thousand three hundred and seventy-five square feet, be the same more or less, and in the said Letters Patent described as being Lot number seven, formerly twenty-two, on the west side of Dalhousie Street in the said Town, and which parcel or tract of land is butted and bounded, or may be otherwise known as follows, that is to say: commencing on the west side of Dalhousie Street, in the limit between Lots numbers six and seven, and at the south-east angle of the said Lot number seven, then north nineteen degrees thirty minutes west, eighty-two and a half feet, to an alley twenty feet wide, between Lots numbers seven and eight, then north seventy degrees thirty minutes west, one hundred and fifty feet, more or less, to the River Detroit, then southerly along the water's edge to the limits between Lots numbers seven and six, then north twenty degrees thirty minutes east, one hundred and sixty feet, more or less, to the place of beginning,—was conveyed to certain persons in the said Letters Patent named, to hold in trust for the inhabitants of the said Town, as a Site for a Market-place, and to permit the Justices of the Peace for the then Western District, to erect thereon suitable buildings for a Market for the convenience of the inhabitants of the said Town, and in which Letters Patent it was further provided, that if the said parcel of land should be converted to the private use or advantage of the said Trustees, or become charged or chargeable with any debt or other incumbrance of the said Trustees, or if they should hinder or prevent the said Trusts being carried into effect, then those presents should cease and determine: And whereas by the said Letters Patent, and a certain Act of the Parliament of the late Province of Upper Canada, passed in the first year of the Reign of his late Majesty King William the Fourth, and chaptered three, the present Market in the said Town was duly established upon the said tract of land, which tract of land remained vested in the said Trustees or the survivors of them, upon the Trusts aforesaid, until the Municipal Corporations Act of one thousand eight hundred and forty-nine, came into operation, by the one hundred and thirty-eighth Section of which it is enacted, That the places then already established as Markets or Market-places in the several Villages and Towns in Upper Canada, shall remain Markets and Market-places until otherwise directed

Preamble.

Recital.

by competent authority, and that all Market reservations or appropriations which at the time the said Act should come into force, were vested in the Municipal authority of such Village or Town, or in Trustees for their use and benefit, shall be and they are thereby vested in the Municipal Corporation of such Village or Town, erected under the said Act: And whereas the site of the Market is found to be inconvenient to the great majority of the inhabitants of the said Town, who have petitioned the Municipal Council of the said Town to sell or otherwise dispose of the said tract of land, and purchase another and erect a Market thereon, in a more central position, which the said Council are desirous of doing, but doubts have arisen whether the Municipality of the said Town have the necessary powers in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said tract or parcel of land hereinbefore particularly described, shall be and the same is hereby vested in the Municipality of the Town of Amherstburg, in fee simple, and free from all the trusts and provisions expressed in the said Letters Patent, and from all other trusts whatsoever; and it shall be lawful for the Municipality of the Town of Amherstburg aforesaid, and they are hereby authorized and empowered absolutely to grant, bargain, sell, lease or convey the said tract or parcel of land, or any part thereof, and all buildings thereon, in fee simple, for life, term of years or otherwise, as to the said Municipality may seem fit.

The tract of land in question vested in the Municipality of the Town, with full power to alienate it.

To what purpose the proceeds of the sale shall be applied.

II. That the Municipality of the Town of Amherstburg aforesaid, shall and may, and they are hereby required to apply the proceeds arising from any such sale, lease or conveyance as aforesaid, or such portion thereof as may be required therefor, to the purchase of the land required for a site for a Market for the said Town, and to the erection of the necessary buildings thereon, and the completion of all improvements connected therewith.

A certain lane to remain open.

III. That the lane or road now existing between the land, buildings and property of Thomas Park, Esquire, and the said tract, site and Market, shall always remain and be open as it now is, and shall not be stopped up without the consent of the said Thomas Park, his heirs and assigns.

Public Act.

IV. That this Act shall be a Public Act.