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No. 147.

4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to revive and amend the Act relating to the Common of Maskinongé.

Received and read a first time, Tuesday, 17th
June, 1851.

Second reading, Monday, 23rd June, 1851.

MR. POLETTE.

TORONTO: PRINTED BY LOVELL AND GIBSON.

BILL.

An Act to revive and amend the Act relating to the Common of Maskinongé.

WHEREAS by an Act of the Legislature of the late Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "*An Act to authorise the inhabitants of the Seigniory of Maskinongé, in the County of St. Maurice, to make more advantageous regulations for the government of the Common of the said Seigniory,*" a corporation was established for the management of the affairs of the said Common, and the said Act expired on the first day of May, in the year of our Lord one thousand eight hundred and fifty, in consequence whereof the said corporation hath become dissolved; and whereas divers inhabitants of the said Seigniory of Maskinongé, in the Parish of *Saint Joseph de Maskinongé*, County of Saint Maurice, and of the Parishes of *Saint Barthelemi*, *Saint Cuthbert*, and *Sainte Genevieve de Berthier*, in the County of Berthier, interested in the said Common, have by their petition to the Legislature, prayed that the said Act be revived and amended, and the granting of the said prayer would be of great advantage to them: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That the said above in part recited Act shall revive and have the same force and effect as if it had not expired, and as if it had been recited at full length in this Act

II. And be it enacted, That the persons chosen and elected Chairman and Trustees at the last meeting for the election and choice of the said officers, are hereby appointed and declared to be the Chairman and Trustees of the said Common, and as such shall be and are invested with all the powers and authority which they had the right of exercising, and be subject to the performance of all the duties they were required to perform before the expiration of the said Act; and the said Chairman and Trustees shall remain in office until re-placed or re-elected in the manner hereinafter provided.

III. And be it enacted, That on the first Monday of the month of December next, the Chairman and Trustees aforesaid shall go out of office, and shall be re-placed or re-elected by the persons interested in the said Common, at a meeting to be called, presided over, held and

Proviso.

conducted in the manner prescribed by the first and fourth sections of the said Act hereby revived and amended: Provided always, that if the election shall take place on the said day, another meeting shall be called, presided over, held and conducted in the same manner and for the same object, between the said first Monday in December and the first Tuesday of March next, and the Chairman and Trustees chosen and elected at such meeting shall remain in office until the first Monday of June, in the year of our Lord one thousand eight hundred and fifty-four, unless they shall be then re-elected; after which the election of the said officers shall be held at the end of every second year, as provided by the fourth section of the said Act hereby revived and amended.

Assessment for defraying expenses of management of Common.

IV. And whereas, the said inhabitants interested in the said Common have represented, in and by the said Petition, that the Chairman and Trustees thereof were not authorised to levy assessments on all the parties interested for defraying the necessary costs and expenses: be it therefore enacted, That whenever it shall be necessary to incur expenses for the management, maintaining or improvement of the said Common, or for the doing of any act or thing, or the bringing of any prosecution in relation thereto, an estimate of such expenses shall be first drawn up by the said Chairman and Trustees or the majority of them, and they shall have power to impose and levy the amount of such estimate and apportion the same among the proprietors or parties interested in the said Common, in proportion to the rights or shares of each one therein; and if at the date of the coming into force of this Act, any costs or expenses have been incurred for the management, maintaining or improvement of the said Common, or for any act, thing or prosecution relative thereto, a faithful account thereof shall be drawn up by the said Chairman and Trustees or the majority of them, who hereby required to impose and levy the amount of such account, and apportion the same in the manner above prescribed, with respect to costs and expenses which it may be necessary to incur hereafter; and in default of payment of any amount to be apportioned as aforesaid, the same shall be recoverable by summary process in the name of the Chairman and Trustees of the Common of Maskinongé, before a Justice of the Peace not interested in the matter, nor related nor of kin to the party sued within the degrees prohibited by law; and such Justice is hereby authorised to try, hear and finally determine and adjudge upon the said action, and issue a writ of execution against the goods and chattels of the defendant for the payment of the amount of the judgment and costs of suit and other subsequent costs: Provided always, that such writ of execution shall not issue before the expiration of *eight days* from the rendering of the judgment.

V. And be it enacted, That whenever it shall be necessary to ascertain the persons who have or pretend to have a right in the said Common, and the rights or shares which each one now holds or hereafter may hold, for the purpose of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in the preceding section, or for any other object, it shall be lawful for the said Chairman and Trustees, or the majority of them, to require all such persons to produce and exhibit their respective titles to such rights or shares, at the time and place which they shall mention, one month's public notice or sufficient private notice having been given by them for that purpose; and if any person interested in the said Common, shall refuse or neglect to produce and exhibit his titles at the time and place by them mentioned, he shall incur a penalty of currency for each day on which he shall refuse or neglect so to do.

Exhibition of
titles to
Common.

VI. And be it enacted, That if any person who shall be lawfully called upon to accept any office or perform any duty under this Act, or the Act hereby revived and amended, shall refuse to accept such office or refuse to perform such duty, or shall in any manner contravene the provisions of this Act or of the Act hereby revived and amended as aforesaid, he shall incur for every such offence, whether of commission or omission, a penalty of *shillings* currency.

Penalty for
refusal to
accept office,
&c.

VII. And be it enacted, That all fines and penalties imposed by this Act and by the Act hereby revived and amended, as well as by any by-laws or regulations which may be now or hereafter made or passed by the Chairman and Trustees of the said Common, or by a majority of them, shall be recoverable on summary prosecution by any party interested in the said Common, before a Justice of the Peace not interested therein, nor related nor of kin to the party sued within the degrees prohibited by law; and such Justice of the Peace may issue a writ of execution *eight days* after judgment against the goods and chattels of the contravening party, for the levying of the amount of the penalty, together with the costs of suit and subsequent costs; and all fines and penalties shall be paid to the said Chairman and Trustees, and by them applied to the general purposes of the said Common.

Recovery of
penalties.

VIII. And be it enacted, That this Act shall be a Public Act.

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