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No. 113.

3rd Session, 5th Parliament, 20 Victoria, 1857.

BILL.

An Act to regulate the Common of the
Islands of Dumoine and des Barques.

Received and read, first time, Friday, 13th
March, 1857.

Second reading, Friday, 20th March, 1857.

MR. DESAULNIERS.

TORONTO :
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to regulate the Common of the Islands of Dumoine and des Barques.

WHEREAS Joseph Latraverse, Joseph Paul, junior, Oliver Paul, Daniel Capestran, Henault Milliet, Augustin Peloquin, and others of the Parish of St. Pierre de Sorel, co-proprietors of the Islands Dumoine and des Barques, have by their petition to the Legislature, prayed to be empowered to make By-laws and Regulations of the Common of the said Islands: Therefore Her Majesty, &c., enacts as follows :

I. The said Joseph Latraverse, Joseph Paul, junior, Oliver Paul, Daniel Capistran, Henault Milliet, Augustin Peloquin, and other parties interested in the Common of aforesaid Isles Dumoine and Des Barques, after public notice of the day, hour, and place of meeting given by at least five of them at the door of the Church of St. Pierre de Sorel, St. Michel d'Yamaska, and St. Aimé, immediately after Divine Service in the morning, at least seven days previous to such meeting, shall assemble at the residence of Elouard Milliet on the first Monday of July after the passing of this Act, then and there to choose and elect, by the majority of the votes of the persons present and qualified, a chairman and five trustees for the purpose of managing and directing the business relating to the aforesaid Common, in conformity to this Act ; and the Chairman and Trustees so elected as aforesaid, shall be and are hereby made and declared a body politic and corporate, by the name and style of "the Chairman and Trustees of the Common of the Isles Dumoine and Des Barques," and as such may have uninterrupted succession during the continuance of this Act, and may have a common seal, and shall and may sue and be sued, and do and execute all acts whatsoever relating to the trust aforesaid, which it may be necessary and lawful for them to do and execute.

Meeting for election of Trustees.

Corporate name and powers of Trustees.

II. At the first meeting called and held as aforesaid, the majority of the inhabitants present shall appoint a fit and proper person present to preside at such meeting ; The said Chairman shall declare in writing under seal, the name of the persons who have been elected Chairman and Trustees of the said Common.

Chairman at meeting.

His duty.

III. The Chairman and Trustees so elected shall hold office for two years and no longer, unless re-elected.

Term of office.

IV. The said Chairman and Trustees shall on the first Monday of July after the two first years above referred to, be replaced or re-elected by the persons interested, at a meeting as aforesaid, and so thereafter on the first Monday in July, at the expiration of each two successive years ; And it shall be the duty of the Chairman to give notice verbally, immediately after Divine Service in the forenoon, and in writing affixed on the doors of the

Subsequent elections of Trustees.

Notice of such elections.

Churches of the Parishes of St. Pierre de Sorel, St. Michel d'Yamaska and St. Aimé on the Sunday or holiday preceding the day hereby appointed for the election of such Chairman and Trustees, informing the inhabitants interested and qualified as aforesaid, that the ensuing election will take place pursuant to this Act, and requiring their attendance accordingly, and the Chairman shall preside at such election and declare who are the persons chosen and elected as Chairman and Trustees for the period then next ensuing. 5

Provision in case of failure of election.

V. If at any time any election to be had under this Act shall not take place at the time hereby appointed therefor, the said Corporation shall not on that account cease, but such election may take place at any time thereafter, of which the Chairman shall have given due notice in the manner aforesaid. 10

Vacancies in the Trust how filled.

VI. In case of the death of the Chairman or any of the Trustees, such Chairman or Trustee shall be replaced by an election as aforesaid, held for that purpose upon the requisition of any of the members of the Corporation (the formalities hereinbefore required in respect of the calling of a meeting being duly observed) and the person so elected shall serve only for the period during which the Chairman or Trustee he replaces would have served. 20

Clerk to the Trustees.

VII. The said Corporation may appoint a Clerk with such allowance or salary to be paid out of the funds thereof, as shall be agreed upon by a majority of the votes at any meeting of the inhabitants assembled as aforesaid for the purposes of this Act; the Corporation may at its discretion revoke such appointment and make a new one, and this as often as circumstances may require. 25

Case of absence, &c., of chairman provided for.

VIII. In case of the absence or illness of the chairman, it shall be lawful for the oldest of the Trustees to summon and call meetings of the said Corporation concerning the trust hereby reposed in them, when and as often as he may deem the same necessary or when he shall be thereunto required by any two of the Trustees. 30

Trustees to make By-laws, which being duly published shall bind those concerned.

IX. It shall be lawful for the chairman and trustees, or a majority of them, to make and establish such rules and regulations as they may deem expedient and advantageous for the interests of those having right of common as aforesaid, and the same to revoke, annul, and make others in their stead; such rules and regulations shall be approved and confirmed by a Judge of the Circuit Court of the district in which the said Common is situate; they shall be read, published, and posted up at the doors of the Churches aforesaid, after divine service in the forenoon, two Sundays at least before they have full force and effect, after which they shall be binding on all persons having rights of Common as aforesaid, in so far as regards the same, and upon all others whom they may concern; and also being specially pleaded, shall be taken notice of by all Courts of law in this Province. 40

Mode of levying money to defray expenses concerning the said Common.

X. Whenever it shall be necessary to incur expenses for the management of the said common, or for the doing of any act or thing, or the payment of any expenses 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 50

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 or Trustees, or the majority of them, who are hereby required to impose and levy the amount of such account, and apportionment among those interested. of 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 the Isles du Dumoine and des Barques, 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 authorized to try, hear, and finally determine and adjudge upon the said action, and issue 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 execution shall not issue before the expiration of eight days from the rendering of the judgment.

XI. 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 *ten shillings* currency, and of *one shilling* currency for each day on which he shall refuse or neglect to do.

XII. If any person who shall be lawfully called upon to accept any office or perform any duty under this Act, shall refuse to accept such office or refuse to perform such duty, or shall in any manner contravene the provisions of this Act, he shall incur, for every such offence, whether of commission or omission, a penalty of *forty shillings* currency.

XIII. All fines and penalties imposed by this Act, 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 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.

XIV. This Act shall be deemed a public Act.

Public Act.