



No. 102.

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1st Session, 6th Parliament, 21 Victoria, 1858.

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(LOCAL BILL.)

**BILL.**

An Act to revive and amend "An Act to regulate the Common of Isle du Pads in the County of Berthier."

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Received and read, first time, Monday, 26th  
April, 1858.

Second reading, Thursday, 29th April, 1858.

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MR. PICHÉ.

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TORONTO:  
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to revive and amend "An Act to regulate the Common of Isle du Pads, in the County of Berthier."

**W**HEREAS by an Act of the Legislature of the heretofore Province of Lower Canada, passed in the third year of the reign of His late Majesty King William IV., intituled "An Act to regulate the Common of Isle du Pads, in the County of Berthier," a corporation was established for regulating the affairs of the said Common, the said Act expired on the 1st day of May, 1843, and the corporation in consequence dissolved, and whereas divers inhabitants of the Parish of La Visitation de l'Isle du Pads in the Seigniori of Chicot and Isle du Pads, interested in the said Common have by their petition to the Legislature prayed that the said Act may be revived and amended, and it would be advantageous to grant their prayer; Therefore Her Majesty, &c., enacts as follows:

I. Within six months after the passing of this Act, it shall be lawful for the inhabitants interested in the said Common of Isle du Pads to meet, after public notice of such meeting shall have been given by three or more of the parties interested in the said Common, posted up and published during three consecutive Sundays at the door of the Parish Church of the said Parish of La Visitation de l'Isle du Pads at the issue of Divine service in the morning, which said notice shall contain the place, day, and hour of such meeting, for the purpose of electing by the majority of the votes of the parties interested in the said Common and then present a president and four trustees to manage the affairs of the said Common, and the said president and trustees, so elected at the said first meeting or at any other subsequent meeting in virtue of this Act, shall be, and they are hereby declared to be a corporation under the name of the "*President and Trustees of the Common of Isle du Pads,*" and under that name they shall have uninterrupted succession while this Act remains in force, and a common seal, and may sue and be sued in all Courts of Justice, and validly take all proceedings in relation to the execution of the duties imposed upon them by this Act.

II. The said first meeting to be held in virtue of this Act and all other subsequent meetings in virtue of this Act shall be presided over by such persons present as the meeting may select, by the majority of the votes of the parties interested in the said Common, then and there present: Provided always, that if the said first meeting be not held at the place, day and hour appointed in the said notice for any reason whatsoever, another meeting of the parties interested may be called, presided over, held and conducted in the same manner and for the same purpose,

either during the six or during the twelve months next after the passing of this Act.

Term of office of president and trustees.

III. The President and trustees elected in virtue of this Act shall remain in office for two years from the time of their election, and at the end of that time they shall be replaced by an equal number of persons to be selected at a meeting of the parties interested in the said Common from amongst the parties so interested; the said meeting shall be called by the retiring president by public notice, posted up and published in the manner provided in the first section of this Act. 5

President and trustees to make by-laws.

IV. The President and trustees, or the majority of them, shall draw up and prepare such by-laws concerning the said common as they shall think necessary; but such by-laws shall not take effect until they shall have been approved by the Circuit Court in session for the County of Berthier; and in case there shall be no such Court in existence at the time when the said by-laws shall be passed, then the said by-laws shall be approved by the Superior Court in session for the district within which the County of Berthier shall at that time be included; the ratification and homologation of the said by-laws shall be demanded of the said Court in the name of the said Corporation, after public notice duly given of such application, posted and published at the door of the parish church, of the said Parish of La Visitation de l'Isle du Pads, during the three Sundays preceding the day of application, at the issue of Divine service in the morning, setting forth the day on which the said by-laws are to be submitted to the Court for confirmation, in order that any persons having a right so to do may then and there submit to the said Court their reasons for opposing the homologation of the said by-laws. 10 15 20 25

Penalty for contravention of by-laws

V. The President and Trustees or a majority of them may, in the said by-laws, impose such penalties as they shall deem just and expedient against all parties contravening the said by-laws: Such penalties may be sued for and recovered by summary process before a justice of the peace, in the said County of Berthier, in the name of the said Corporation, and shall be levied by a seizure and sale of the moveables of the offender and paid over to the President of the said Corporation, who shall apply the same for the use and benefit of the said Common. 30

Further powers of president and trustees.

VI. The said President and Trustees may proceed in law in the name of the said Corporation, before any Court of competent jurisdiction against any person or persons who shall encroach on the said common, commit any act of violence therein, or who shall unlawfully claim the exercise of any right therein, for the recovery of damages from such persons or for the disallowance of any right claimed by them within the said common. 35 40

Assessment for defraying expenses of management of common.

VII. 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 payment of any expenses in relation thereto, an estimate of such expenses shall be first drawn up by the said President 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 ex- 45 50

penses 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 President and Trustees, or the majority of them, who are hereby required to  
 5 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 President and Trustees of the said  
 10 common before a Justice of the Peace within the said County of Berthier; 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,  
 15 that such execution shall not issue before the expiration of eight days from the rendering of the judgment.

VIII. 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  
 20 of making any apportionment of the costs and expenses which may be now or hereafter incurred, as provided in this section, or for any other object, it shall be lawful for the said President 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  
 25 which they shall appoint, public notice having been given by them for that purpose, posted up and published on the two consecutive Sundays preceding the day so appointed, at the door of the Parish Church of the said Parish of La Visitation du l'Isle du Pads, at the issue of Divine service in the morning; and if any person interested in the said Com-  
 30 mons shall refuse or neglect to produce and exhibit his titles at the time and place mentioned, he shall incur a penalty of ten shillings currency, and one shilling currency for each day on which he shall refuse or neglect so to do; the said penalties to be sued for and recovered by the said President and Trustees in the manner prescribed in the fifth section  
 35 of this Act.

Exhibition of titles to common.

IX. 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 neglect to perform such duty, or shall in any manner contravene the provisions of this Act, he shall incur, for every such offence,  
 40 whether of commission or omission, a penalty of forty shillings currency, which shall be recoverable by any person who shall prosecute, either in his own name or in the name of the said Corporation, in the manner prescribed in the fifth section of this Act, and one half of the said penalty shall belong to the prosecutor, and the other half to the Corporation, to  
 45 be employed for the use and benefit of the said Common.

Penalty for refusal to accept office, &c.

X. In case of the death or of the absence for a period longer than twelve months from the County of Berthier, either of the President or of any of the Trustees, their office shall become vacant, and the President and remaining Trustees, or the remaining Trustees, as the case may be,  
 50 shall select and appoint, by a vote of the majority, one from amongst the parties interested in the said Common, to replace the President or Trustee, as the case may be.

Vacancies by death or absence how filled up.

Statement of  
the accounts  
by retiring  
president and  
trustees.

XI. At each general election the retiring president and trustees shall, at the meeting called for the said election, and before the election of their successors, present a clear and detailed statement of their administration, shewing the receipts and expenditure; and they shall hand over to their successors any balance remaining in their possession at that time, together with all books, titles, plans and papers whatsoever, having reference to the said Common then in their possession, and if they fail to pay the said balance or to hand over the said books, titles, plans and papers, in the manner above mentioned, they shall be liable to a prosecution before any Court of competent jurisdiction, jointly and severally by the said president and trustees, their successors, in the name of the corporation, in order that judgment may be obtained compelling them to pay the said balance to the corporation, together with costs and interest, or to deliver up as above the said books, titles, plans and papers. 5 10 15

XII. This Act shall be deemed a public Act.