

The Provincial Statutes of Lower-Canada, Being the first session of the twelfth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1825.

5 George IV – Chapter 34

An Act to regulate the Common of the Parish of Saint Antoine of the River du Loup, in the County of Saint Maurice. (22d March, 1825.)

Whereas divers persons interested in the Common of the Parish of Saint Antoine of River du Loup [Rivière-du-Loup], in the County of Saint Maurice, have by their Petition in this behalf to the Legislature, prayed that Rules respecting the said Common might be provided: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His late Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North-America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that it shall be lawful for the several persons having rights or commonage in the Common of the said Parish of Saint Antoine of the River du Loup, to meet together, three weeks notice being previously given, by an advertisement posted up at the Church-door of the said Parishes, of the time and place where such meeting is to be held, for the purpose of choosing, by a majority of votes, a Chairman and four Syndics for the said Common, for the purposes of making Rules and Regulations with respect to the commonage thereof, which Chairman and Syndics shall be annually replaced by an equal number of persons having rights in the said Common, to be chosen at a meeting of the persons having rights therein, held at a certain day and place, pursuant to notice to that effect, which Notice it shall be the duty of the said Chairman and Syndics about to retire from office, to give, in the manner herein-above directed; and that the said Chairman and Syndics who shall be so chosen, shall be, and they are hereby declared to be a Body Politic and Corporate, under the name of "The Chairman and Syndics of the Common of the Parish of Saint Antoine de la Rivière du Loup," and under that name they shall have perpetual succession, and may have a Common Seal, and may sue and be sued, and shall do and cause to be done and performed all and every matter and thing concerning the trust to them committed by this Act, in as full and ample manner as any Body Politic and Corporate may lawfully do as such.

II. Provided always, and be it further enacted by the authority aforesaid, that the senior Magistrate, or in case of the absence of a Magistrate, the senior Officer of Militia within the said Parish of River du Loup, shall preside at all meetings of the persons having rights in the Said Common, which may be held in virtue of this Act; and that notice of the day of such meeting shall be given to such Magistrate or senior Officer of Militia, as the case may be, eight days previously to the meeting.

III. Provided always, and be it further enacted by the authority aforesaid, that it shall be competent for any three persons, having eights of commonage in the said Common, to give the notice herein-above-authorized and directed for the first election of the said Chairman and Syndics, and that such

notice shall be sufficient to authorize the persons concerned, meeting pursuant to the same, to choose the Syndics at such meeting; and provided also, that no person shall be eligible as a Chairman or Syndic, who shall not have a right of commonage in the said Common.

IV. And be it further enacted by the authority aforesaid, that the Chairman and Syndics who shall be so chosen, or any three of them, may, from time to time, digest and prepare, for the better regulation of the said Common, such Rules and Regulations as they shall deem necessary. Provided always, that no such Rule or Regulation shall have force or effect, until sanctioned by the Court of King's Bench for the District of Three-Rivers [Trois-Rivières], nor until sufficient proof shall be furnished to such Court, that notice for at least three weeks, has been given by an advertisement publicly posted up at the Church-door of the said Parish, of Saint Antoine of River du Loup, of such Rules or Regulations, stating them at length, and notifying that the same are, on a day to be named in such notice, to be presented to the Court for confirmation, unless good cause to the Contrary be then, or as soon afterwards as the Court shall appoint for hearing the same, shown to the said Court, and that such Rules and Regulations shall not prejudice, nor shall affect, nor shall be construed to prejudice or affect, in any manner whatever, the reciprocal rights and privileges which the Seigniors [Seigneurs] and Inhabitants, having rights in the said Common, may have secured among themselves, by virtue of their title-deeds or contracts, before the passing of this Act.

V. Provided always, and be it further enacted by the authority aforesaid, that no fine or penalty to be imposed by virtue of any such Rule or Regulation, shall exceed ten shillings, current money of this Province.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Chairman and Syndics, and of each and every of them, to enforce the Rules and Regulations which shall as aforesaid have been provided for the said Common, and in case of disobedience thereto, to prosecute for the recovery of the penalties incurred.

VII. And be it further enacted by the authority aforesaid, that the proceedings under this Act for the recovery of penalties, shall be summary, before any Justice of the Peace; and that such penalties, in case of non-payment, shall be levied by seizure and sale of the goods and chattels of the offender.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be deemed a private Act, and shall be deemed and taken to be such at all times and places, and to all intents and purposes whatever, and shall not be judicially noticed by any Judges, Justices of the Peace or others whom it may concern, without being specially pleaded.

IX. And be it further enacted by the authority aforesaid, that the penalties incurred, and which shall be paid under and by virtue of this Act, shall be applied by the said Chairman and Syndics to be nominated by virtue of the same, in and about the improvement of the said Common, in such manner as the said Chairman and Syndics shall deem most expedient.

X. And be it further enacted by the authority aforesaid, that at every General Election, made according to this Act, the Chairman and Syndics who retire, or who shall be about to retire from Office,

shall previously to the Election of their successors, lay before the meeting of the Inhabitants above-mentioned assembled for that purpose, a detailed and clear account of the monies and other effects received and disbursed or expended by them in the execution of their office, under the authority of this Act, and they shall also deliver to their successors in office, all monies and other effects which may then remain in their hands, as well as all Books of Accounts, Books of Entry, or other Books by them kept, touching and concerning the affairs of the said Common, and also, all Titles, Deeds, and Papers respecting the same.

XI. Provided always and be it further enacted by the authority aforesaid, that this Act, nor any thing herein contained, shall affect or be construed to affect the Titles, Rights or Privileges of any Person or Persons, or of any Body Politic or Corporate, any thing herein contained to the contrary hereof, in anywise notwithstanding.

XII. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight-hundred and fifty, and no longer.