

*The Provincial Statutes of Lower-Canada, Being the second session of the twelfth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1826.

6 George IV – Chapter 10

**An Act to authorize the Inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the Common of the said Fief. (29th March, 1826.)**

Whereas certain Inhabitants of the Fief Gorshois situate the Parish of Saint Anne de Yamachiche [Sainte-Anne-d'Yamachiche], County of Saint Maurice interested in the Common appertaining to the said Fief, have by their Petition to the Legislature prayed that they might be authorized to provide rules and regulations for the better government of the said Common, and for the preservation of their interests in the same, which for want of efficient authority for that purpose, are frequently infringed upon: 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 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 from and after the passing of this Act, it shall and may be lawful for the inhabitants of the said Fief Grosbois, interested and having right of Common in the Common of the said Fief, in the aforesaid Parish of Sainte Anne de Yamachiche, to assemble and meet at the Presbitère or Parsonage-house of the Parish of Sainte Anne de Yamachiche, on the first Monday of the month of May next ensuing the passing of this Act, between the hours of ten o'clock in the forenoon, and one o'clock in the afternoon, then and there to choose, by a majority of votes of the inhabitants there present and qualified as aforesaid, a Chairman, and four Trustees for the purpose of managing and directing the business relating to the said Common, in conformity with this Act; and the Chairman and Trustees, who shall be so chosen, shall be, and they are hereby made and declared to be a body politic and corporate, by the name of "The Chairman and Trustees of the Common of Grosbois," and as such shall have perpetual succession, and may have a common seal, and shall, and may sue and be sued, and may do and execute all and whatsoever relating to the trust hereby reposed in them it may be necessary and lawful to do and execute.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for any of the Justices holding His Majesty's Court of King's Bench at Three Rivers [Trois-Rivières], or for the Provincial Judge for Three Rivers, either in Term or in Vacation, and they are respectively hereby required, on the petition of any three inhabitants having right of Common in the Common aforesaid, to name and appoint some fit and proper person, being a Justice of the Peace, or Officer of Militia residing in the said parish, to preside at the first meeting appointed to be held as aforesaid under this Act, and who by writing under his hand, shall

declare who are the persons chosen and elected to be Chairman and Trustees of the said Common.

III. And be it further enacted by the authority aforesaid, that the Chairman and Trustees so chosen and elected, shall continue in office until the first Monday in May, one thousand eight hundred and twenty-eight, and no longer, unless they be then re-elected.

IV. And be it further enacted by the authority aforesaid, that the said Chairman and Trustees, shall, on the first Monday in May, one thousand eight hundred and twenty-eight, be replaced or re-elected, by the persons interested, at a meeting as aforesaid, and the Chairman and Trustees of the said Common shall so, for ever thereafter, successively, at the end of every second year, be replaced or re-elected, on the first Monday in May; and it shall be the duty of the Chairman to give notice, verbally, immediately after divine service in the forenoon, and in writing affixed at the doors of the Churches of the parishes of Sainte Anne de Yamachiche, of Saint Antoine de la Riviere du Loup, and of Saint Leon Legrand [Saint-Léon-le-Grand], on the Sunday or Holiday next preceding the day hereby appointed for electing such Chairman and Trustees, informing the inhabitants, qualified as aforesaid, that the ensuing election will take place pursuant to this Act, and requiring the attendance of all whom it may concern accordingly, and the Chairman shall preside at such Election and declare who are the persons thereat chosen and elected as Chairman and Trustees for the ensuing period.

V. Provided always, and be it further enacted by the authority aforesaid, that if, at anytime, any election to be had under this Act, shall not take place at the time by this Act appointed therefor, the Corporation aforesaid, shall not thereby cease and determine, but such election may take place at any time thereafter that the Chairman then in office may thereunto appoint, giving due notice in the manner aforesaid of the time and place of such Election, and at which such Chairman shall preside, and declare who are the Chairman and Trustees elected for the ensuing term.

VI. And be it further enacted by the authority aforesaid, that in ease the Chairman or any of the Trustees should die or remove from the said Seigniory, he or they may be replaced by an election, as aforesaid, called for the purpose at the instance of any one of the Corporation, the formalities as herein above required for calling a meeting being- always observed, and the person or persons then elected shall serve for the period only, which the Chairman or Trustee in whose stead he or they shall be chosen, would have served.

VII. And be it further enacted by the authority aforesaid, that the said Corporation may appoint a Clerk for the concerns of the said Corporation, with such allowance or stipend out of the funds thereof, as may be agreed upon by a majority of votes, at any meeting of the inhabitants assembled as aforesaid, for the purposes of this Act, and such appointment at pleasure revoke and annul, with power to appoint another in his stead, and this as often as the case may require.

VIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the said Corporation to ascertain and fix the proper limits and boundaries of the said Common, and to appoint and employ for that purpose a sworn Laud Surveyor at the expense of the Corporation, and, in case of encroachment by any person upon the Common aforesaid; it shall also be the duty of the said Corporation to pursue speedy and effectual measures at law, to obtain redress against the trespasser or trespassers having encroached upon the Common, and to extend the same to its ancient and proper limits.

IX. And be it further enacted by the authority aforesaid, that it shall be lawful for the Chairman, for the time being, of the said Corporation, or in his illness or absence, for the oldest of the said Trustees, to summon and call meetings of the said corporation concerning the trust in the said Corporation reposed by this Act, when and as often as he may deem the same necessary, or as may be required by any two of the Trustees.

X. And be it further enacted by the authority aforesaid, that it shall be lawful for the Chairman and Trustees aforesaid, or a majority of them, to make and establish such rules and regulations as they may deem expedient and advantageous to those having right of Common in the Common aforesaid, and the same to annul and revoke if necessary, and make others in their stead; and this when and as often as occasion may require, which rules and regulations being approved and confirmed by the Court of Quarter Sessions of the District of Three Rivers, or by the Provincial Judge of the said District in term or vacation, shall be read, published and posted up at the doors of the aforesaid Churches, after Divine Service in the forenoon, at least two Sundays before they shall have force and effect, after which they shall be binding on all persons having Commonage in the said Common, in so far as regards the same, and upon all others whom they may concern, and being especially pleaded, shall be taken notice of by all Courts of Law in this Province.

XI. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Corporation when they shall deem it expedient to cause the said Common to be bounded to require from the several persons having or pretending to have a right of Common therein, to produce and exhibit to the said Chairman and Trustees their several titles, in order that they may ascertain the extent of the said Common and the rights to which such persons may be respectively entitled in the aforesaid Common, and all such persons when so required, either by public advertisement or by private notice to that effect, to produce and exhibit their titles for the purposes of this Act, are hereby commanded to comply therewith, without delay.

XII. Provided always, and be it further enacted by the authority aforesaid, that no penalty which shall be imposed by any of the said rules or regulations, shall, in any case, exceed the sum of ten shillings currency, and that ail, and every the penalties which shall be so imposed, shall be used and appropriated by the said Corporation for the improvement of the said Common, in such manner as the said Corporation shall deem most expedient for that purpose.

XIII. And be it further enacted by the authority aforesaid, that at every General Election pursuant to this Act, the Chairman or Trustees retiring or about to retire from office, shall, previous to the election of their successors in office, lay before the meeting of the inhabitants aforesaid, held for the purpose, a full and clear account of all the monies and other things received and disbursed, or expended by them in the execution of their office, under the authority of this Act: and they shall also deliver over to their successors in office, whatever monies or other things which may then be remaining in their hands, appertaining to the said Corporation, together with all books of accounts, or entry, or other books, or papers kept by them or their clerk, touching and concerning the said Common.

XIV. And be it further enacted by the authority aforesaid, that nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of His Majesty, his Heirs and Successors, or of anybody, politic or corporate, or of any person or persons, such only excepted as are herein mentioned.

XV. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

XVI. And be it further enacted by the authority aforesaid, that this Act, and the powers and authorities conferred by and in virtue of the same, shall be in force until the first day of May, one thousand eight hundred and fifty and no longer.