

The Provincial Statutes of Lower-Canada, Being the second session of the thirteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1829.

9 George IV – Chapter 41

An Act to authorize the Inhabitants of the Seigniorie of Maskinongé, in the County of Saint Maurice, to make more advantageous Regulations for the government of the Common of the said Seigniorie. (14th March, 1829.)

Whereas certain inhabitants of the Seigniorie [Seigneurie] of Maskinongé, in the parish of Saint Joseph de Maskinongé, in the County of Saint Maurice, interested in the Common of the said Seigniorie, have by their petition to the Legislature prayed that they might be authorised to provide regulations for the preservation of their interests in the same, which for of sufficient 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 for making 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 Seigniorie, interested and having right of Common in the Common of the said Seigniorie, in the said parish of Saint Joseph de Maskinongé, to assemble and meet at the Presbytery or Parsonage House of the said parish of Maskinongé, on the first Monday in the month of June next ensuing from the passing of this Act, or on any other Monday in the said month, between the hours of Ten o'clock in the forenoon and one o'clock in the afternoon, then and thereto choose and elect by a majority of the votes of the inhabitants then present and qualified as aforesaid, a Chairman and four Trustees for the purpose of managing and directing the business relating to the aforesaid Common, in conformity to this Act; and that 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 Maskinongé," and as such shall 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 and whatsoever relating to the trust aforesaid, it may be necessary and lawful for them as such body corporate 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 for the District of Three Rivers [Trois-Rivières], or for the Provincial Judge of the said District, 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 seal 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 elected and chosen, shall continue in office until the first Monday in June one Thousand Eight Hundred and thirty-one and no longer, unless they shall then be reelected.

IV. And be it further enacted by the authority aforesaid, that the said Chairman and Trustees shall on the first Monday in June one thousand eight hundred and thirty-one be replaced or re-elected by the persons interested of a meeting as aforesaid. And the Chairman and Trustees of the said Common, shall so thereafter, until the time of the expiration of this Act, be successively at the end of every second year replaced or re-elected on the first Monday in June. 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 churches of the parishes of Saint Joseph de Maskinonge, Saint Barthelemi [Saint-Barthélemy], Saint Cuthbert, and Saint Genevieve de Berthier [Sainte-Geneviève-de-Berthier] on the Sunday or holiday next preceding the day hereby appointed for the election of such Chairman and Trustees, informing the inhabitants qualified aforesaid, that the ensuing election will take place pursuant to this Act, and requiring the attendance of whom it may concern 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.

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

VI. And be it further enacted by the authority aforesaid that if 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 that purpose at the instance of anyone of the Corporation, the formalities herein before mentioned first duly observed, and the person or persons so elected shall continue in office only until the time of the next periodical election as aforesaid to be made.

VII. And be it further enacted by the authority aforesaid, that the said Corporation may appoint a Clerk for the business of the said Corporation, and grant him such allowance or stipend out of the funds thereof as may be agreed upon by a majority of votes at any meetings of the inhabitants assembled as aforesaid for the purposes of this Act, and this

appointment may revoke or annul, and appoint another in the stead of the said Clerk, as often as the case require.

VIII. And be it further enacted by the authority aforesaid that it shall be the duty of the said Corporation to ascertain and mark the proper limits and boundaries of the said Common, and to employ for that purpose a sworn Land Surveyor at the expence of the Corporation; and in case of encroachment by any person made upon the Common aforesaid, it shall be the duty of the said Corporation to pursue speedy and effectual measures at law to obtain redress against such encroachment, and to extend the said Common to its ancient and just limits.

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

X. And be it further enacted by the authority aforesaid, that 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 revoke, annul and make others in their stead, when and as often as the case may require; which Rules and Regulations being approved and confirmed by the Court of Quarter Sessions for the District of Three-Rivers or by the Provincial Judge of the said District during Term or Vacation, shall be read, published and posted up on the doors of the Churches aforesaid, 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 right of Common as aforesaid in so far as regards the same, and upon all others whom they may concern, and being specially 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 the several persons having or claiming right of Common therein, to produce and exhibit to the said Chairman and Trustees, their respective title deeds, in order that they may be enabled to ascertain the extent of the said Common, and the respective rights of such persons therein; and all such persons when so required by public advertisement or private notice to that effect, to produce and exhibit their respective title deeds as aforesaid, arc 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 and Regulations, shall in any case exceed the sum of Ten shillings, currency; and that all and every penalty collected in virtue thereof, shall be used and appropriated by the said corporation for the improvement of the said Common,

and in such manner as a majority of 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 held in virtue of this Act, the Chairman and Trustees retiring or about to retire from office shall, previous to the election of their successors in office, lay before the meeting of the electors, held for the purpose, a full and clear account of all monies and things received or disbursed by them as such Trustees and Chairman; and shall deliver over to their successors in office, all monies and other things then remaining in their hands, belonging to the said corporation, together with all books of accounts or entry, or other books or papers kept by them or their clerk, concerning the said corporation.

XIV. And be it further enacted by the authority aforesaid, that nothing herein contained shall in any wise affect the rights of His Majesty, his heirs and successors, or of any body 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 as such shall be judicially taken notice of 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 thereby conferred, shall continue in force until the first day of May, one thousand eight hundred and fifty, and no longer.