

*The Provincial Statutes of Lower-Canada, Being the third session of the fourteenth Provincial Parliament of Lower-Canada.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the King's Most Excellent Majesty, 1833.

### 3 William IV – Chapter 33

#### **An Act for regulating the Common of the Isle du Pads, in the County of Berthier. (3d April, 1833)**

Whereas divers freeholders interested in the Common of Isle du Pads [l'Île-Dupas], in the Parish of La Visitation, in the County of Berthier, have by their Petition to the Legislature prayed that they may be empowered to make regulations concerning the said Common: 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 it shall be lawful for the inhabitants interested in the said Common of Isle du Pads to meet at any time during the three months next after the passing of this Act, and after public notice of such meeting shall have been given at and posted on the door of the Church of the said Parish of La Visitation on three consecutive Sundays, (in which notice the place, day and hour of such meeting, shall be mentioned) for the purpose of choosing by a majority of votes, a Chairman and four Trustees, to transact all business relative to the said Common, and the said Chairman and Trustees shall be annually replaced by an equal number of persons interested in the said Common, chosen at a meeting of the persons interested, such meeting being called by the Chairman and Trustees about to leave office, and in the manner prescribed by this Act, and the Chairman and Trustees so chosen shall be and they are hereby declared to be a body corporate under the name of "The Chairman and Trustees of the Common of Isle du Pads," and shall under that name have uninterrupted succession so long as this Act shall be in force, and may have a common Seal, and may sue and be sued in any Court of Law, and may validly perform any act connected with the discharge of the duties imposed on them by this Act.

II. And be it further enacted by the authority aforesaid, that at every meeting held under the provisions of this Act, the senior magistrate of the parish shall preside, or in default of a magistrate, the senior officer of militia, and eight days previous notice shall be given to the person who is to preside thereat.

III. And be it further enacted by the authority aforesaid, that such notice given, by three persons interested in the said Common, shall be sufficient for calling the first meeting and for the appointment of the Chairman and Trustees who shall, be chosen from among those having a right in the said Common.

IV. And be it further enacted by the authority aforesaid, that the Chairman and Trustees or three of them, as occasion shall require, may draw up and prepare such Rules and Regulations concerning the said Common as they shall judge necessary, which shall not however be in force nor have effect until they shall have been approved by the Court of King's Bench for the District of Montreal, upon proof that public notice has been published at and posted on the door of the Church of the said Parish, during at least three weeks, containing such Regulations at length and mentioning the day on which they were to be submitted to the consideration of the said Court of King's Bench, in order to their being confirmed, and that such Regulations will not prejudice or in any manner affect the mutual rights and privileges which the seignors [seigneurs] and the inhabitants having rights in the said Common have reciprocally guaranteed to each other by their titles or contracts anterior to the present Act.

V. And be it further enacted by the authority aforesaid, that no penalty imposed by such rules and regulations, shall exceed ten shillings currency.

VI. And be it further enacted by the authority aforesaid, that it shall be the duty of the Chairman and Trustees to see that the said rules and regulations so approved of are enforced, and to sue for the penalty whenever they shall be contravened.

VII. And be it further enacted by the authority aforesaid, that all proceedings under this Act for the recovery of such fines shall be summary, and may be had before any Justice of the Peace, and that such fines shall be levied by the distress and sales of the offender's moveables, and paid into the hands of the Corporation, who shall employ them in improving the said Common.

VIII. And be it further enacted by the authority aforesaid, that this Act shall be considered to be a private Act.

IX. And be it further enacted by the authority aforesaid, that at every general election the Chairman and Trustees about to go out of office, shall before such election lay before the meeting called for that purpose, a clear and detailed account of their administration, shewing the sums by them received and expended, and shall pay into the hands of their successors the balance which may be then due, as well as all books, deeds, plans and papers whatsoever concerning the said Common which may be in their possession on the day of such general election.

X. And be it further enacted by the authority aforesaid, that this Act shall not in any manner affect the rights and privileges of His Majesty, His heirs and successors, nor of any other person or body politic or corporate.

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