

The Provincial Statutes of Lower-Canada, Being the first session of the Third Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1801.

41 George III – Chapter 11

An Act for better regulating the Common belonging to the Town of Three Rivers. (8th April, 1801)

Whereas the Inhabitants of the Town or Borough of Three Rivers [Trois-Rivières] are in possession of a Common, containing about four hundred and sixty eight Arpents of Land, in virtue of two Titles granted to them, one by Charles Huault de Montmagny, then Governor and Lieutenant General in this Province, bearing date the fifteenth day of August, one thousand six hundred and forty eight, the other from the Reverend Fathers, the Jesuits, bearing date the ninth day of June, one thousand six hundred and fifty; on various Lots of which many persons have built houses before and since the conquest of this Province by His Majesty's Arms, in consequence of Grants made to them by a majority of the Inhabitants of the said Borough and otherwise; And whereas it is necessary to make Provision for the well ordering of 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 of 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 and may be lawful, to and for the Inhabitants of the said Town or Borough, possessing Houses and Lots of Ground, within the limits of the said Town or Borough, of the yearly value of Forty Shillings Sterling, to assemble and meet at the Court House, in the said Town or Borough, on the first Monday in the Month of June next after the passing of this Act, at ten of the Clock in the forenoon, then and there, to choose by a majority of the votes of the Inhabitants of the said Town or Borough, qualified as aforesaid, then present, a Chairman and four Trustees, to manage and direct the business relating to the said Common, in the manner herein after authorised and directed, and for the purposes of this Act, and none else, and the said Chairman and Trustees so chosen, shall be and are hereby declared to be a Body Politic and Corporate, by the name of "The Chairman and Trustees of the Common of the Town of Three Rivers," and by that name shall have perpetual Succession and a common Seal, for doing their business, and that of their Successors for ever, and shall and may sue and be sued, in all and every Court in this Province, as occasion may be, and shall and may do and execute all and every matter and thing relating to the Trust reposed in them, by virtue of this Act, in as full and ample manner and form, as any Body Politic and Corporate can or may as such lawfully do.

II. And be it further enabled by the authority aforesaid, that it shall and may be lawful to and for His Excellency the Governor, Lieutenant Governor or Person Administering His

Majesty's Government in this Province for the time Being, to nominate and appoint a fit and proper Person to preside at the first meeting of the Inhabitants of the said Town or Borough, to be held in virtue of this Act, for the purpose of choosing and appointing a Chairman and Trustees of the aforesaid Common, who, by writing under his Hand and Seal, shall declare who are the persons chosen and appointed, to be Chairman and Trustees of the said Common, and the person to chosen and appointed, shall continue in office to the first Monday in the Month of April which will be in the year of our Lord one thousand eight hundred and five, and no longer, unless they shall be afterwards re-chosen and appointed in the manner herein after directed.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Inhabitants of the aforesaid Town or Borough, to assemble and meet on the first Monday in the Month of April, which will be in the year of our Lord one thousand eight hundred and five, at such hour and place, as shall, by notice given ten days before in writing polled up at the doors of the different Churches in the said Town or Borough, be fixed on for the choice and appointment of a Chairman and four Trustees of the aforesaid Common, to succeed the Chairman and Trustees who shall have gone out of Office, and the Inhabitants of the said Town or Borough then present and qualified as herein before mentioned, shall and may at such time and place, choose and appoint as herein before directed, a Chairman and four Trustees of the aforesaid Common, who shall continue in office to the first Monday of April, which will be in the fourth succeeding year, and a person appointed by His Excellency, the Governor, Lieutenant Governor or Person Administering His Majesty's Government in this Province, shall preside at such meeting, and declare, by writing under his hand and seal, who are the Persons chosen and appointed to the office of Chairman and Trustees of the said Common, for the four next succeeding years and so, in every fourth succeeding year forever, the Inhabitants of the said Borough, qualified wherein before mentioned, shall on the first Monday of April, choose and appoint a Chairman and four Trustees of the aforesaid Common in the manner and form herein before set forth, and in case that the Chairman or two or more of the Trustees of the said Common, shall die, while he or they are in the said office, the Inhabitants of the said Town or Borough, qualified as aforesaid, shall choose and appoint in the manner and form herein before set forth, one or more person or persons as the case may require, to fill such vacancy or vacancies to the time of the then next general choice of a Chairman and Trustees as by this Act directed.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Inhabitants of the said Town or Borough, at any general meeting, which shall be held by virtue of and under the authority of this Act, to fix and determine by the majority of the voters qualified as aforesaid, then and there present, on the number and extent of the Lots of Ground, being part of the aforesaid Common, which may be granted in the four succeeding years, in the manner herein after directed for the purpose of building Houses thereon with the yards, out-houses and other conveniencies thereunto necessary, and for no other purpose whatsoever; together with the Rents, Conditions and Services on which such grant may be passed. Provided always, that it shall not be lawful for the Inhabitants of the

said Borough to grant or let for any term of years more than fifty Acres of the said Common over and above what has been theretofore granted.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Inhabitants of the aforesaid Town or Borough, at any general meeting to fix and determine, in the manner herein before directed, what shall be the annual salary of the Clerk of the Chairman and Trustees, who shall be by them appointed in the manner and form herein after directed.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Chairman and Trustees of the aforesaid Common for the time being, chosen and appointed as by this Act directed, or any three or more of them, and they are hereby required to ratify and confirm such Grants of building Lots on the said Common, as have been heretofore assented to Bonafide by a majority of the Inhabitants of the said Town or Borough, at the time of giving such assent and to pass regular and valid Titles for the same, under the seal of the said Corporation, at the rents and in the conditions and services in such Grants set forth, or if no such rents, conditions and services are specified in such Grants, then at the rent and on such conditions and services as were customary, at or next before the time of making the same.

VII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Chairman and Trustees aforesaid, or any three of them, to grant by Deed under the Seal of the said Corporation, to such person or persons as to them may seem proper, such Lots of Ground for building on the said Common as shall have been fixed and determined on at a general meeting in the manner herein before directed; and at the rent and on the conditions and services at such general meeting also fixed and determined on. Provided always, that it shall not be lawful for the said Chairman and Trustees, to grant to any person, nor to any other person or persons for the use of the same person, in the course of twelve years, any lot or lots of ground in the said Common, containing in the whole more than one half of an Arpent, Paris measure.

VIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said Chairman and Trustees, or any three of them, and they are hereby authorised and empowered to receive, levy or sue for such sum or sums of money as now are or may hereafter become due, owing or payable to or for the use of the Inhabitants of the aforesaid Town or Borough, by reason of rent, profit, or other cause, matter or thing belonging or appertaining to the Common aforesaid, or thereon depending and to give sufficient discharges and acquittances for the same, and also to exact and enforce the performance of all and every condition, service or other obligation to which any person or persons may be bound in virtue or by reason of his, her or their holding, enjoying or occupying any grant or grants of any part or parts of the aforesaid Common or by reason of his, her or their holding, enjoying or occupying any land adjoining to the aforesaid Common.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Trustees aforesaid, or any three or more of them, to law out and expend or cause to be laid out all and every sum or sums of money, which shall come into their hands, possession or power, for rent or profit of the said Common, or from any other cause arising out of the depending thereon: in clearing, fending, draining or otherwise improving the said Common for the general benefit of the Inhabitants of the said Town or Borough.

X. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Chairman and Trustees aforesaid, or any three of them, to fix and determine, annually, the number and kind of horses, cows, oxen or other rattle, or of any or either of them which it shall and may be lawful for every Inhabitant of the said Town of Three Rivers to put to graze on the said Common, as also to fix and determine the day on which the said Common shall be opened for the reception of cattle to graze thereon, in every year, and again shut up, and they shall give notice thereof by an Advertisement posted up and published at the door of every Church in the said Town, on the two Sundays immediately preceding the day on which the said Common is to be opened or shut up. Provided always, that every Inhabitant of the said Town or Borough shall have a right to put the number of cattle so determined on to graze on the said Common and no more.

XI. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Chairman appointed as herein before directed for the time being, or in the absence or sickness of such Chairman, for the oldest of the said Trustees, to summon and call such meeting or meetings of the said Chairman and Trustees concerning the trusts by this Act reposed in them, as to him may appear necessary, or as may at any prior meeting have been determined, or as he may be thereto required in writing under the hand of any three of the Trustees.

XII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Chairman and Trustees aforesaid, or any three or more of them, by writing under the hands and seal of the said Corporation, to nominate and appoint a fit and proper person to be their Clerk and to allow to him out of the funds of the Corporation, such annual salary as shall have been fixed on in the manner herein before directed, and such appointment at their pleasure to revoke and annul, and another fit and proper person to nominate and appoint in the place of the person whose appointment shall have been so revoked, and the Chairman and Trustees who have gone out of office, so often as the case shall require, for ever, shall at their general meeting of the Inhabitants of the said Town to be held in pursuance of this Act for choosing a Chairman and Trustees as their successors, lay before such meeting, a full and clear account of all monies or other things received and disbursed or expended by them in the execution of their office under the authority of this Act, and shall deliver over to their successors in office, whatever monies or other things may be then remaining in their hands, together with all books of accounts, books of entry of other books kept by them, or by their Clerk, under their direction, couching and concerning the business of the said Common as also all titles and papers relating thereto.

XIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Chairman and Trustees appointed in the manner herein before directed, or any three or more of them, by writing under their hands and the seal of the said Corporation to make and establish Rules and Orders, for the ordering and well governing of the Common aforesaid, and the same to amend or revoke, and other Rules and Orders to make and establish in the place thereof, which Rules and Orders and every of them shall be published and posted up at the door of every Church or Chapel in the said Town or Borough, at least two Sundays before they shall have force and effect, and shall thereafter be binding on all and every person or persons having right of commonage in the Common aforesaid, in so far as regards the said Common, and being specially pleaded shall be taken notice of, in all Courts and before all Justices and Judges in this Province. Provided always, that no penalty by such Rules or Orders imposed, shall exceed ten shillings, current money of this Province: saving always to the King's most Excellent Majesty, his Heirs and Successor and to all and every other Person or Persons, Bodies, Politic or Corporate, his, her, and their Heirs, Successors, Executors and Administrators (other and except the respective persons who may in consequence of this Act being duly carried into execution become subject to the Rules and Orders thereby authorized to be made) all such interest, estate and right as they, every or any of them had and enjoyed and over the aforesaid Common, before the passing of this Act, or might have had and enjoyed in case the same had not been made.