

The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

3 George IV – Chapter 18

An Act to enable the Inhabitants of the Seigniori of Yamaska to provide for the better regulation of the Common of the said Seigniori. (22d. March, 1823.)

Whereas the Inhabitants of the Seigniori [Seigneurie] of Yamaska, parish of Saint Michel, are in possession of a certain Common, situate in the said Seigniori, for the better regulation whereof they are desirous, as by their petition they have represented, that a corporation consisting of Inhabitants interested in the said Common, to be freely chosen from among themselves, should be established by an Act of the Legislature; And whereas it is just and expedient that a corporation should be established for that purpose: 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 to and for the Inhabitants of the said Seigniori of Yamaska, interested and having a right in the said Common of the yearly value of forty shillings, sterling, to assemble and meet at the Presbytère or Parsonage House, within the said Seigniori, on the first Monday in the Month of May next after the passing of this Act, between the hours of ten in the forenoon, and one in the afternoon, then and there to choose and elect, by a majority of the votes of the Inhabitants of the said Seigniori then present and qualified as aforesaid, a Chairman and four Trustees, to manage and direct the business relating to the said Common for the purposes of this Act, and none else; and the Chairman and Trustees 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 Trustees of the Common of the Seigniori of Yamaska," and as such shall have perpetual succession, and may have a common seal, and shall and may sue and be sued, and shall and may do and execute all and every matter and thing relating to the trust in them reposed, in virtue of this Act, in as full and ample a manner as any Body Politic and Corporate can or may as such lawfully do.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant-Governor or Person administering the Government of the Province, for the time being, to nominate and appoint by Warrant under his hand, a fit and proper person to preside at the first meeting of the Inhabitants aforesaid, to be held in virtue of this Act, for the purpose of choosing and electing a Chairman and Trustees of the said Common, who, by writing under his hand, shall declare who are the persons chosen and elected to the Chairman and Trustees of the said Common, and the persons so chosen and elected, shall continue in office until the first Monday in May, one thousand eight hundred and twenty-five, and no longer, unless they shall be afterwards be chosen and re-elected in the manner herein-after directed.

III. And be it further enacted by the authority aforesaid, that the said Chairman and four Trustees shall, on the said first Monday in May, one thousand eight hundred and twenty-five, by an election in the manner-aforesaid, be replaced, and the Chairman and Trustees for the said Corporation shall for ever hereafter, after two successive year's service, be replaced, and another Chairman and Trustees be chosen and elected in their stead, on the first Monday in the month of May, and it shall be, the duty of the Chairman to give notice verbally immediately after Divine Service, in the forenoon, and in writing set up at the Church door of the parish or Seigniorie aforesaid, on the Sunday or Holiday next preceding the day here by appointed for an election of such Chairman and Trustees, informing the Inhabitants, qualified as aforesaid, that such election will take place at the Presbytere or Parsonage House of the said Parish or Seigniorie aforesaid, pursuant to this Act, and requiring their attendance thereat accordingly, and the Chairman shall preside at such election, and declare who are the persons thereat chosen as Chairman and Trustees for the ensuing period.

IV. Provided always, and be it further enacted by the authority aforesaid, that the Chairman and Trustees who shall have so as aforesaid served and been replaced, shall not be again eligible to serve as Chairman or Trustees until after the expiration of eight years next, after the time of their going out of office as aforesaid.

V. Provided always, and be it further enacted by the authority aforesaid; that if at any time any election or elections to be had or held under this Act, shall not take place when by the said Act the same ought to have taken place, the said Corporation shall not by reason thereof cease or become extinct, but such election shall and may be held at such time hereafter as the Chairman then in office may thereunto appoint, giving due notice in the manner aforesaid of the time and place where such election is to be held, and presiding thereat, and declaring who are the Chairman and Trustees chosen and elected as herein above-enacted.

VI. And he it further enacted by the authority aforesaid, that in case the Chairman or any of the Trustees should die or remove from the said Seigniorie, which in office, such Chairman or Trustees shall be replaced by an equal number of Persons chosen and elected as aforesaid, in his or their stead, who shall remain in office for the same period as he or they, in whose stead he or they are chosen and elected, would have remained; and in case of the death or removal as aforesaid, of the Chairman, the choice or election of another in his stead shall take place under the direction of the Trustee eldest in years, be giving the notice to that effect, as herein before-provided.

VII. And be it further enacted by the authority aforesaid, that the Chairman and Trustees aforesaid, or any three of them, may by writing under their hand and the seal of the said Corporation, and they are hereby authorised to nominate and appoint a fit and proper person to be their Clerk, and to allow him such annual compensation or salary for his services as may be agreed upon by a majority of votes, at any meeting of the Inhabitants qualified as aforesaid, held for the purpose of any election pursuant to this Act, and such appointment, at their pleasure, to revoke and annul, and another fit and proper person to nominate and appoint in the dead of the person whose nomination and appointment may have been so revoked and annulled.

VIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Chairman, for the time being, or in the absence or illness of such Chairman, 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, as often as he may deem the same necessary, or as may at any prior meeting have been determined, or as he may be thereunto required, in writing under the hand of any three of the Trustees.

IX. 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 in case it shall be found that any person or persons may have trespassed or encroached upon the said Common, it shall also be the duty of the said Corporation, to adopt speedy and effectual measures at law to expel the trespassers or persons who may have encroached upon the said Common, and to extend the same to its ancient and proper limits.

X. 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, to fix and determine annually, the number and description of horses, cows, oxen or other cattle which it shall be lawful for every Inhabitant interested in the said Common, 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 set up, read and published at the door of the Church, in the Parish or Seigniorie aforesaid, on the two Sundays immediately preceding the day on which the said Common is to be opened or shut. Provided always, that every Inhabitant interested in the said Common, 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 and Trustees aforesaid, 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 annul or revoke; and other rules and orders to make and establish in the place thereof, as occasion may require; which rules and orders being approved by the Court of Quarter Session of the District of Three Rivers [Trois-Rivières], or by this Provincial Judge of the said District, shall be read, published and set up at the Church door of the Parish or Seigniorie aforesaid, at least two Sundays before they shall have force and effect, and the same shall hereafter be binding on all and every person or persons having Commonage in the said Common, in so far as regards the said common, and being specially pleaded shall be taken notice of by all Courts and by all Judges and Justices in this Province.

XII. Provided always, and be it further enacted by the authority aforesaid, that no rule or order that may at any time, be made in virtue of this Act shall in any wise prejudice or affect, or be construed to prejudice or affect in any manner, such reciprocal rights and privileges as the Seigneur and Inhabitants of the aforesaid Seigniorie may, in virtue of their deeds, titles or contracts have guaranteed to each other, previous to the passing of this Act.

XIII. Provided always, and be it further enacted by the authority aforesaid, that no penalty which shall be made or imposed by the said rules or orders, shall exceed the sum of ten shillings, current money of this Province, and that all and every the penalties which shall be so made or imposed, shall be used and appropriated by the said Corporation to the benefit and improvement of the said Common, and in such manner as the said Corporation shall deem most expedient for that purpose.

XIV. And be it further enacted by the authority aforesaid, that at every general election pursuant to this Act, the Chairman and Trustees retiring or about, to retire from office, shall, previous to the election of their successors, lay before the meeting of the Inhabitants aforesaid, assembled for that purpose, a full and clear account of all the monies or 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 may be then remaining in their hands, together with all books of accounts, book of entry or other books kept by them, or by their clerk under their direction, touching and concerning the business of the said Common, as also all titles or papers thereunto relating.

XV. 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 any Body Politic or Corporate, or of any person or persons, such only excepted as are Herein mentioned.

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.

XVII. 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.