



ANNO NONO
VICTORIÆ REGINÆ.

CAP. XV.

An Act relating to the Magdalen Islands, in the Gulf of St. Lawrence, and to enable the Inhabitant Householders therein to establish a Municipal Council in the said Islands, and to extend the like advantages to certain localities in the County of Saguenay, and to those parts of the Counties of Rimouski and Kamouraska known as the Madawaska Territory.

[18th May, 1846.]

WHEREAS it is expedient to extend the benefits intended by an Act of the last Session of the present Parliament, intituled, *An Act to repeal certain Ordinances therein mentioned, and to make better provision for the establishment of Local and Municipal Authorities in Lower Canada*, to the inhabitant householders in the Magdalen Islands, in the Gulf of St. Lawrence, comprising about three hundred families, making in all a population exceeding one thousand seven hundred individuals: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That on the first Monday in July next, and in case of default or failure on that day from any unforeseen cause, then on the succeeding Monday, or any other day in the said month, or in the month of August or September following, which shall be fixed by any ten householders *tenant feu et lieu* in the said Islands, and of which public notice shall be duly given by them, in such manner as they shall deem the most expedient, the inhabitant householders in the said Magdalen Islands, *tenant feu et lieu*, and having been such during the twelve months next preceding the above mentioned month of July of this present year, and being respectively of the male sex of the full age of twenty one years, and subjects of Her Majesty by birth or naturalization, may, in the manner prescribed in and in conformity to the fifth, sixth and seventh sections of the above mentioned Act, passed in the last Session of the present Provincial Parliament, and intituled, *An Act to repeal certain Ordinances therein mentioned, and to make better provision for the establishment of Local and Municipal Authorities in Lower Canada*, hold a meeting at Amherst Harbour, in the said Islands, for the purpose

Preamble.

Householders having a certain qualification may elect Municipal Councillors for the Magdalen Islands.

Certain section of 8 Vict. c. 40. cited.

Where the meeting is to be held, and qualifications of the Councillors.

In other years Councillors to be elected in like manner.

Act not to be construed to exclude freeholders from voting.
Act limited to present occupants.

Lists of Voters to be made.

Lists to be laid before Parliament.

Only one person to vote on each lot.

purpose of electing, and may accordingly elect from among themselves, seven persons qualified to vote at such election, to be Councillors, and to compose the Municipal Council for the said Magdalen Islands, the Councillors so to be chosen not being persons of the description mentioned and excepted in and by the said tenth section of the aforesaid Act; and the Councillors so elected shall, pursuant hereunto, constitute the Municipal Council of the said Magdalen Islands to all intents and purposes of the said Act, and with the like powers as are thereby given, but subject always to all the provisions thereof as if duly elected pursuant thereto, and be succeeded and replaced by others having the like qualification, being inhabitant householders in the said Islands, *tenant feu et lieu*, at the time of election and during the previous year, as hereinabove provided, with respect to those who shall be chosen to form the first Municipal Council.

II. Provided always, and be it enacted, That nothing herein contained shall be construed to debar or prevent any such inhabitant householder or householders being a freeholder or freeholders, now or at any time hereafter, in any of the said Islands and qualified according to this Act to vote at any election of a Councillor, from the exercise of his franchise, or from voting thereat if he shall see fit, or from being elected thereat; and provided also, that the privilege hereby given to the present inhabitant householders in the said Islands, shall, in all time to come, be limited to such freeholders as aforesaid, and to the rightful occupants of such ground or lands only as are actually occupied, built upon and *bonâ fide* inhabited now or which shall be so at the time when this Act shall first go into operation, and that such privileges shall not be hereafter extended to mere occupants of any other land not now or then actually occupied and inhabited; and that in order to prevent misunderstandings and disputes in this behalf, it shall be the duty of the Mayor of the Municipality of the said Magdalen Islands within the twelve months next after the election of the Municipal Council of the said Magdalen Islands to cause a list of names of the several inhabitant householders not being freeholders but being otherwise qualified to vote under this Act actually domiciliated, and *tenant feu et lieu*, in the said Islands, specifying the locality of their respective dwellings or residences, and the extent of ground or emplacement as nearly as it can be ascertained occupied by each, to be made out for future reference thereunto in case of need, and which he shall verify and sign in duplicate as a true and authentic list of the actual and *bonâ fide* occupants of ground in the said Islands, one of which lists he shall transmit without delay to the Provincial Secretary, by whom copies thereof shall be laid before the two Houses of Parliament, if then in Session, or if not in session then at the next Session thereafter, preserving the other among the records and remembrances of the Municipal Council.

III. And be it enacted, That the benefits conferred by this Act upon the inhabitant householders in the Magdalen Islands, shall, also under the like terms, restrictions and conditions as hereinabove mentioned, be extended to and conferred upon the inhabitant householders similarly situated in any and all such localities on the River Saguenay, in the County of Saguenay, and in like manner to those on Rivers Madawaska and St. John, known as the Madawaska Territory, making part of the Counties of Rimouski and Kamouraska, in this Province, as the Governor or person administering the Government of the Province for the time being shall, in accordance with the above recited Act of the eighth year of Her Majesty's Reign,

or

or any other Act that may be passed during the present Session in amendment or instead thereof, see fit to designate as a Municipality or Municipalities in any part or parts aforesaid of either of those Counties or places; Provided always, that no person shall be elected as a Councillor, or act as such under the provisions of this Act, unless he shall be a qualified voter for the Municipality for which he is elected and possessed of real property therein, to the value of fifty pounds, currency, over and above every charge or incumbrance thereon.

IV. And be it enacted, That all and every the provisions of a certain other Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to make better provision for Elementary Instruction in Lower Canada*, shall, in so far as the same are applicable to, and practicable in such Municipalities, or any of them, to be established in virtue hereof, be extended thereto, and the inhabitant householders therein, respectively, *tenant feu et lieu*, and entitled to vote in virtue hereof, for the election of any Municipal Councillor therein, in virtue of this Act, be accordingly affected, bound and benefited by the said Act, severally and collectively, as if the said Act had special reference to them; any thing to the contrary therein notwithstanding.

Rights not specially mentioned to be saved.

V. And be it enacted, That in like manner all and every the provisions of a certain Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act to provide for the Summary Trial of Small Causes in Lower Canada*, shall, in so far as the same are applicable to and practicable in the Municipalities established in virtue hereof, be extended to the same, respectively, on the petition of at least one hundred inhabitant householders *tenant feu et lieu* therein, the petition being always certified as in and by the first section of the said Act it is provided and required, all other exigencies or requirements of the said Act, with respect to the appointment of a Commissioner or Commissioners under the said Act, for the summary trial of small causes in Lower Canada, being also observed.

The provisions of the Act for Summary Trial of Small Causes in L. C. to be extended thereto on petition of inhabitants.

VI. Provided always, and be it enacted, That no more than one person shall have the right of voting at any election of a Councillor, by reason of the occupancy of any one emplacement or lot of ground, so as aforesaid occupied, built upon, and *bonâ fide* inhabited, nor shall any person occupying two or more such emplacements or lots of ground, have by reason thereof, a right to more than one vote at any such election.

Proviso. Persons having two or more emplacements not to have more than one vote.

VII. And be it enacted, That nothing herein contained shall alter, prejudice or in any wise affect, nor be construed so to do, the right or rights of Her Majesty, Her Heirs or Successors, or of any body politic or corporate, person or persons whomsoever, having or pretending to have any right, claim or claims, or pretensions in or to the said Magdalen Islands, or to any of them, or to any part or parts thereof.

Reservation of Her Majesty's rights.