

## C A P. L X I.

An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie.

[10th November, 1852.]

**W**HEREAS by an Act of the Legislature of the Province Preamble.

of Lower Canada, passed in the second year of the Reign of His Majesty George the Fourth, intituled, *An Act to enable the inhabitants of the Seigniorie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of Common in the said Seigniorie*, a Corporation was established to manage the affairs of the said Common ; And whereas the now existing Corporation of the said Common have petitioned that means may be adopted to establish and ascertain in a definite and final manner what persons are entitled to the said Common ; And whereas it is expedient that their petition should be granted, and necessary to the Co-proprietors of rights in the said Common that their said rights should be accurately ascertained : 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, and 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 it shall be lawful for the said Corporation, or for five of the Co-proprietors of rights in the said Common, after the passing of this Act, to call a meeting of the Co-proprietors of rights in the said Common, and to cause public notice to be given at the door of the Parish Church of La Baie St. Antoine, after Divine Service in the forenoon, calling on the said Co-proprietors of the said Common, to attend a meeting within not less than eight days, nor more than fifteen days after the date of such notice, at such place as shall be therein appointed, to elect a suitable person to be a Commissioner for the purposes of this Act, which person shall have no right or title in the said Common, and shall be an inhabitant of the said Parish of La Baie ; and at the said meeting, the Chairman of the said Corporation, or failing him, one of the Trustees thereof, shall preside, and shall prepare a *Procès-Verbal* or report thereof, signed by himself and by two witnesses present at the said meeting, which *Procès-Verbal* shall be deposited in the office of the Clerk of the Circuit Court in the Town of Three-Rivers.

Meeting of proprietors to appoint commissioners.

II. And be it enacted, That at the time and place so appointed in the said notice, it shall be lawful for the Co-proprietors of the said Common there assembled, and for the majority thereof, to proceed to elect such Commissioner, by vote, and it shall

Commissioner to be selected by vote.

shall be the duty of the person presiding at the said meeting, to notify the said person so elected to be Commissioner, of his election as herein provided.

In case of non-acceptance of office by person elected.

III. And be it enacted, That if the person so elected as Commissioner shall not accept the said office, which he shall be understood to accept if he do not within eight days after he shall have been notified of his election, make known his refusal to accept the same to the Chairman of the said meeting, or having accepted, if he shall afterwards resign it, or shall absent himself from within the bounds of the said Parish as his dwelling place, or shall die, it shall be lawful for the said Co-proprietors of the said Common to proceed to appoint another Commissioner in manner hereinbefore directed.

Who shall vote at such meeting.

IV. And be it enacted, That any person, having a *prima facie* title, at the time of the passing of this Act, conferring on him a right in the said Common, shall be qualified and entitled to attend and vote at the said meeting for the election of a Commissioner as aforesaid.

Duties of commissioner.

V. And be it enacted, That it shall be the duty of the said Commissioner to give public notice within one month after his election, by a notice posted up at the Church door of the Parish of La Baie, during at least two consecutive weeks, and given verbally on two consecutive Sundays, immediately after Divine Service in the forenoon, at the Church door of the said Parish, of the place where, and the days when his office will be opened, and to require all and every the said Co-proprietors to exhibit at his office, within two months after the date of his said notice, all deeds of concession, judgments or other titles whatsoever, establishing their respective rights in the said Common, together with a plain statement of their claims, and a list of the documents filed and produced by them, in order that their rights may be definitively established in manner hereinafter to be provided.

Judge to adjudicate on claims concerning rights in said common.

VI. And be it enacted, That it shall be the duty of the said Commissioner, immediately after the expiration of the time fixed for the deposit of the titles herein ordered to be made with him, as provided in the next preceding Section, to transmit them, together with their claims and titles to the Judge of the Circuit Court in the District of Three-Rivers, either at the office of the said Court at Three-Rivers or during any term of the Circuit Court while holding its sittings in the County of Yamaska, and the said Judge is hereby authorized and required to examine the same, and adjudicate thereon after having heard parties touching all disputed matters or any opposition which may be made to any claim or claims concerning rights in the said Common, in the term of the said Circuit Court during its sittings either in the County of Yamaska, or in the Town of Three-Rivers, declaring the validity or nullity of the said

said titles respectively ; and an entry shall be made of the same in the records of the said Court, and the same shall be final and without appeal.

VII. And be it enacted, That it shall be the duty of the said Commissioner, during his examination of the claims and titles of the said Co-proprietors of the said Common, to make a list thereof, in the order in which the said titles shall have been presented before him, numbering them according to the order of their presentation.

Commissioner to make list of co-proprietors.

VIII. And be it enacted, That when the Judge shall have given judgment as aforesaid, it shall be the duty of the said Commissioner to take from the office of the said Circuit Court, the titles by him referred and submitted to the Judge thereof, together with a certified copy of the award made by the Judge thereof, and that it shall also be his duty to publish the said award, by causing it to be read on two consecutive Sundays at the door of the said Parish Church, after Divine Service in the forenoon ; and the said Commissioner shall moreover be bound, when so required, to restore to every person or all persons who shall have filed them, or to any person duly authorized to receive the same, the claims or titles filed in his office, according to the provisions of this Act, taking an acknowledgment of the re-delivery of such titles.

Award of judge to be published at church door.

IX. And be it enacted, That the Commissioner so appointed shall lay before the said Judge a detailed account of all costs, charges and expenses, as well as of salary, to which he shall be entitled, as a just remuneration for his trouble and outlay, which account shall be taxed by the said Judge.

Costs of commissioner.

X. And be it enacted, That the said Commissioner shall be entitled to demand from each Co-proprietor of the said Common his proportionate share of the amount at which his claim for compensation shall have been taxed by the said Judge, and shall have his right of action by process of law for the recovery of the same.

How costs paid.

XI. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any Body Politic or Corporate, or of any person or persons, such only excepted as are herein mentioned.

Her Majesty's rights not affected.

XII. And be it enacted, 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.

Public Act.