

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbishire and George Desbarts, 1852.

16 Victoria – Chapter 114

An Act to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François. Assented to 22nd April, 1853.

Whereas certain inhabitants of the Parish of St. François du Lac are in possession of a certain Common, situate in the said Parish, known as the “Common of St. François,” and by their petition to the Legislature, have prayed to be incorporated, in order the better to regulate the said Common, and it is expedient to grant the prayer of the said petition: 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 from and after the passing of this Act, it shall and may be lawful to and for the inhabitants of the said Parish interested and having a right in the said Common, to assemble and meet at the Presbytère or Parsonage House within the said Parish, on the first Monday in the month of July 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 said inhabitants then present, 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 St. François du Lac,” 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, by 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 enacted, That it shall and may be lawful for the senior Justice of the Peace resident in the Parish, or in default of him the next in seniority resident therein, to preside at the first meeting of the inhabitants aforesaid to be held under this Act, for the purpose of choosing and electing a Chairman and four Trustees of the said Common, and such Justice, by writing under his hand, shall declare who are the persons chosen and elected to be Chairman and Trustees of the said Common; and the persons so chosen and elected, shall continue in office until the first Monday in July, one thousand eight hundred and fifty-seven, and no longer, unless they shall be afterwards re-chosen and re-elected in the manner hereinafter directed.

III. And be it enacted, That the said Chairman and four Trustees shall, on the said first Monday in July, one thousand eight hundred and fifty-seven, by an election in the manner aforesaid, be replaced, and the Chairman and Trustees for the said Common shall for ever hereafter, after four successive years’ service, be replaced, and another Chairman and Trustees be chosen and elected

in their stead, on the first Monday in the month of July; 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 said Parish, on the Sunday or holiday next preceding the day hereby appointed for an election of such Chairman and Trustees, informing the said inhabitants, qualified as aforesaid, that such election will take place at the Presbtyère or other public place in the said Parish, 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 enacted, That if at any time any election or elections to be had or held under this Act shall not take place, when under this 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 thereafter 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 hereinabove enacted.

V. And be it enacted, That in case the Chairman, or any of the Trustees, should die or remove from the said Parish while 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, he giving the notice to that effect as hereinbefore provided.

VI. And be it enacted, That the Chairman and Trustees aforesaid, or any three of them, may, by writing under their hands and the seal of the said Corporation, and they are hereby authorized 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 the said, inhabitants, and such appointment, at their pleasure, to revoke and annul, and another fit and proper person to nominate and appoint in the stead of the person whose nomination and appointment may have been so revoked and annulled.

VII. And be it enacted, That it shall be lawful for the Chairman for the time being, or, in the absence or illness of such Chairman, for the eldest 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 hands of any three of the Trustees.

VIII. And be it enacted, 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 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.

IX. And be it enacted, 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 aforesaid 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 posted up, read and published at the door of the Church in the Parish aforesaid, on the two Sundays immediately preceding the day on which the said Common is to be opened or shut: Provided always, that every such inhabitant interested in the said Common, shall have a right to put the number of cattle so determined on the graze on the said Common, and no more.

X. And be it enacted, 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 Judge of the Superior Court in the district of Three-Rivers at any time in Court or in vacation, shall be read, published and posted up at the Church door of the Parish at least two Sundays before they shall have force and effect, and the same shall thereafter 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.

XI. Provided always, and be it enacted, That no rule or order that may at any time be made by 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 Seignior of the Seignior of St. François, and the said inhabitants of the aforesaid Seignior may, by virtue of their deeds, titles or contracts, have guaranteed to each other previous to the passing of this Act.

XII. Provided always, and be it enacted, That no penalty which shall be laid 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 laid 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, and the said penalties shall be enforced by summary proceedings before, a Justice of the Peace for the said District nearest to the said Common, and shall be levied in the same manner as other fines are levied before Justices of the Peace according to the laws in force in Lower Canada.

XIII. And be it enacted, 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 moneys 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 money or other things may be then remaining in their hands, together with all books of account, books 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: Provided always, That the said account shall be prepared and open for the inspection of the said inhabitants ten days at the least before, the said day appointed for the general meeting; and at such general meeting, it shall be competent for the said inhabitants, to examine into, revise, approve or reject the said account in whole or in part, and in case of dispute thereof the said successors shall take such proceedings as may be just and necessary for the proper settlement and liquidation thereof.

XIV. And be it enacted, That the Interpretation Act shall apply to this Act.

XV. And be it enacted, That this Act shall be deemed a Public Act.