

C H A P. 78

An Act respecting Laprairie Common.

[Assented to 21st December, 1912]

WHEREAS the president and trustees of the Common of Laprairie de la Magdaleine incorporated by the act 2 George IV, chapter 8, have by their petition represented:

That the common of Laprairie, comprises a considerable extent of territory on both sides of the town of Laprairie;

That they and the Society of Jesus have rights in that area of land;

That it is in the interest of the town of Laprairie, of the neighboring municipalities and of the public generally that such lands may be alienated for industrial and other purposes;

That the rights of the Society of Jesus and those of the *censitaires* having rights in the common are obscure and ill defined, that there is a diversity of opinion as to their respective extent and that such diversity of opinion is a permanent obstacle giving rise to conflicts whenever the alienation of such lands is in question;

That it is expedient to have the respective rights of the persons having rights in the common and those of the Society of Jesus, in the said Laprairie common, defined both as regards the land immediately adjoining the town and the remainder of the said common;

That it is also expedient that, after having had the extent of such rights determined and defined as aforesaid, they should be able, if necessary, to acquire for a consideration all the rights and claims the said Society of Jesus may have in and to such lands so that they may become the sole holders thereof with power and faculty to sell or otherwise alienate them;

That they have had many interviews on the subject with the Society of Jesus, but could never come to a final agreement owing to the diversity of opinion which existed and still exists between them and their attorneys as regards the definition and extent of the rights of the Society of Jesus, and of those of the *censitaires* in and to such lands; and

Whereas it is expedient to grant such prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The respective rights of the Society of Jesus and of the persons having rights in the said Laprairie common, shall be determined and defined by judicial authority in the manner herein-after provided, and the president and trustees of Laprairie Common.

rie Common are to that end authorized to represent the persons having rights in the common before all courts and for all the purposes of this act.

Reference
to Court of
King's
Bench, &c.

2. The question shall, at the request of either of the interested parties, be submitted directly to the Court of King's Bench, Appeal Side, sitting in term at Montreal. The questions which the court shall have to answer shall be put in a clear and distinct manner and the interested parties shall submit to the court *factums* setting forth their respective claims, both as to facts and as to law, accompanied by authorities. The record shall include a statement of the facts admitted by both parties and the written documents which each party may deem it advisable to produce. In the event of the parties being unable to come to an agreement within the delay of thirty days after one of them has been put in default to make up such record, either party may by petition, two days' notice whereof has been given, obtain from a judge of the Superior Court a decision as to what papers, deeds, documents and admissions of facts shall form part of such record and as to what other proof the said judge may deem advisable to allow.

Appeal from
judgment.

The decision of the Court of King's Bench shall be appealable according to the general law.

Partition of
common, &c.
Expropria-
tion of So-
ciety of
Jesus.

3. As soon as the respective rights of both parties in and to the lands in question shall have been defined and determined as aforesaid, the president and trustees of Laprairie Common, may make a partition in kind of the said common with the Society of Jesus, and if the said partition cannot be effected it may acquire, in whole but not in part, such rights and claims of the Society of Jesus by mutual agreement if possible and, if not, by expropriation to be effected under the provisions of the Railway Act of the Province of Quebec.

When expro-
priation to
be affected.

The said expropriation shall take place within the two years following the final decision of the courts defining the rights of the interested parties.

Effect of
acquisition
of rights of
Society of
Jesus.

4. After such acquisition, if it occur, of the rights of the Society of Jesus, the whole of the territory of Laprairie Common shall belong in full and absolute ownership and undividedly to all the persons having rights in the common and now having an interest in the said common and proportionately to such interest; but the parties having rights in such common shall maintain the territory undivided and devoted to pasturage purposes for which it is now used, so long as it is not otherwise disposed of, wholly or partly by the present president and trustees of Laprairie Common or their successors in office.

5. In the event of such acquisition of the said rights and claims of the Society of Jesus, the president and trustees of Laprairie Common may, by simple resolution and to such extent as it may be necessary for them to do, borrow any sum of money and give one or more hypothecs affecting the territory of the common as security for such loans. ^{Borrowing by trustees.}

6. The president and trustees of Laprairie Common may, in the case of such acquisition of the rights of the Society of Jesus for the benefit of the persons having rights in the common, sell or otherwise alienate any part of the territory of the said common, on such conditions as they deem advisable, and which have been approved by the majority in number and in value of the persons having rights in the Laprairie Common, present at a meeting specially called for the purpose. The proceeds of such leasing, sale or alienation, shall be used in improving the rest of the common or to increase its value, according to the power the president and trustees already possess, or be deposited in a chartered bank, the proceeds and accrued interest to be divided among the persons having rights in the common, proportionately to their interests as aforesaid, when the remainder of the territory of the said common is sold. ^{Sale of part of common, &c.}

7. The Society of Jesus and the president and trustees of Laprairie Common, the latter both for themselves and on behalf of the persons having rights in the common, are authorized to carry out the above purposes in so far as the same may be necessary. ^{Authority to carry out this act.}

8. This act shall in no wise affect rights resulting from acts passed by this Legislature previous to this date, concerning the said common, nor the contracts entered or to be entered into under the said acts, the intention of this act being that it shall have effect for the future only. ^{Certain rights saved.}

9. This act shall come into force on the day of its sanction. ^{Coming into force.}
