

Officer to pre-
side first elec-
tion.

Law to apply
to him.

4. Such first election shall be presided over by a person chosen by the majority of the electors present.

The person presiding at such meeting shall be subject to articles 299, 300, 301, 302, 303, 304 and 306 of the Municipal Code.

Appointment
if election not
held by Lieu-
tenant-Gov-
ernor.

5. If, within the sixty days after the last Monday of the month of June next, such election has not been held, the councillors shall be appointed by the Lieutenant-Governor in Council, according to law.

Election of
mayor.

6. The election of mayor shall take place according to articles 330 and following of the Municipal Code.

Existing valu-
ation rolls,
&c.

7. The valuation rolls, electoral lists, *procès-verbaux*, acts of apportionment, by-laws and other documents, heretofore governing the territory above described, shall continue to apply to such territory, till such time as they have been amended, revoked or replaced by the council of the said municipality; and the certified copies of such documents, relating to the said municipality, shall be legal and authentic, and be proof of their contents for all legal purposes whatsoever.

Coming into
force.

8. This act shall come into force on the day of its sanction.

CHAP. 56

An Act to amend the act governing the Common of the
Seigniory of Yamaska

[Assented to 28th March, 1901]

Preamble.

WHEREAS the chairman and trustees of the common of Yamaska, have by their petition represented that they are desirous, for the greater benefit of the persons interested in the said common, to amend the acts governing the same and it is expedient to grant such prayer;

Therefore, His Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

3 Geo. IV, c.
18, s 3, re-
placed.

When and
where election
of chairman
and trustees
to be held.

1. Section III. of the act 3 George IV, chapter XVIII, is replaced by the following :

“ III. The election of chairman and trustees of the said common shall take place every second year, on the first Tuesday of the month of May, in the public meeting room.

of the parish of St. Michel d'Yamaska or at any other place in the said parish fixed by a resolution of the chairman and trustees of the said common.

The meeting of the interested parties, for the purpose of holding such election, shall begin at ten o'clock and be presided over by the person appointed by resolution of the chairman and trustees of the common, and, on his leaving or in his absence, by the clerk of the common ; and in the event of all the persons aforesaid being absent or unable to act, the meeting shall be presided over by a person chosen by the interested parties present.

Hour of meeting and who presides.

Nomination of candidates.

The chairman shall accept and nominate the names of all persons presented verbally or in writing by at least two interested parties present.

Election of those unopposed and voting for the others.

After an hour has elapsed from the opening of the meeting, the chairman shall declare elected the persons nominated who have not been opposed and shall hold a poll for the other candidates. The election shall be closed at four o'clock in the afternoon.

When election is closed. Who may vote and be voted for.

Only the persons interested in the common who have previously paid all their dues to the corporation can be elected officers take, part in the said election and vote thereat.

Casting vote of chairman in case of a tie.

In the event of the votes being equally divided between two or more candidates, the person presiding shall give his casting vote, under a penalty of not less than twenty nor more than fifty dollars."

Penalty if he does not give it.

2. Section V of the said act is replaced by the following :

Id., s. 5, replaced.

" V. Provided always that if, at any time, any election which should be held under this act, has not been held at the time when it should have been, the corporation shall not on that account cease or lapse or become extinct, but such election shall and may be held on the third Tuesday of the month of May, on being convened by one or more interested parties.

Proviso if election not held on day fixed.

" V_a. Before each election, public notice shall be given by the clerk announcing such election and convening the interested parties to a general meeting at the time and place indicated, for the election of officers.

Public notice of election to be given.

" V_b. The omission of such notice shall not prevent the holding of the meeting of the interested parties for the election, but the person bound to give such notice and who neglects so to do, shall incur a penalty of not less than two dollars nor more than ten dollars."

Election to be held even if no notices given. Penalty for neglecting to give notice.

3. Section VI of the said act is replaced by the following :

Id., s. 6, replaced.

" VI. In case the chairman or any of the trustees should die or remove from the said seigniory while in office, such

Replacing of chairman or trustee who

dies or re-
moves from
seigniory.

chairman or trustee shall be replaced by the chairman and trustees remaining in office who shall remain in office for the same period as the officers in whose stead they are chosen, would have remained.”

Id., s. 7, re-
placed.

Appointment
of clerk to
corporation.

4. Section VII of the said act is replaced by the following :

“ VII. The chairman and trustees or the majority thereof may, by resolution, appoint a qualified person to be clerk of the corporation, and allow him such yearly compensation or salary as they may deem fit, and revoke and annul such appointment at pleasure and appoint another qualified person in his stead.

Id., s. 10, re-
placed.

Power of
chairman and
trustees to fix
number of
cattle, &c., to
be grazed on
common, &c.,
&c.

5. Section X of the said act is replaced by the following :

“ X. It shall be lawful for the said chairman and trustees or the majority thereof to fix and determine, by resolution, 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 public notice thereof by an advertisement posted, read and published at the door of the church in the parish or seigniory 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, and who is the owner of such cattle, shall have a right to put the number of cattle so determined on to graze on the said common and no more.”

Secs. added
after id., s. 11.

6. The following sections are added after section XI of the said act :

Right to cut
wood and hay
may be sold.

“ XIa. It shall be lawful for the said chairman and trustees or the majority thereof, in every year, to sell or cause to be sold in block or in parts, the cutting of the wood and hay, or either of them, on the portions of the said common not divided up and not in pasture. Public notice of such sale shall be given by the clerk at least eight days before that fixed for the said sale which shall take place publicly by auction at the hour and place indicated in the said public notice.

Notice of sale
to be given.

Hunting on
common.

“ XIb. It shall be lawful for the said chairman and trustees or the majority thereof to fix and determine, by resolution, in each year, the time fixed for hunting on the said common and the number of days' hunting allowed for each right or

fraction of right in the said common ; provided such resolution does not derogate from the general laws and regulations of the Department of Lands, Forests and Fisheries upon such matters. Proviso.

“ XIe. It shall be lawful for the said chairman and trustees or the majority thereof to allow any person to hunt on the said common on previous payment of the fee or duty specified by them.” Permission to hunt.

7. Section XIII of the said act is replaced by the following : Id., s. 13, replaced.

“ XIII. No penalty which shall be made or imposed by the said rules or orders shall exceed the sum of ten dollars, and 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 chairman and trustees or the majority thereof shall see fit.” Penalties not to exceed ten dollars. Application thereof.

8. Section 7 of the act 24 Victoria, chapter 77, is replaced by the following : 24 V., c. 77, s. 7, replaced.

“ 7. From and after the passing of this act, at any meeting of the inhabitants interested in the common, the votes shall be given according to the scale of the rights or fractions of rights owned by each interested person ; and the said proportion shall serve as the basis of any partition which the chairman and trustees shall hereafter make of the amount which each person interested in the common shall pay as his contribution to cover the expenses incurred in obtaining the passing of this act, and of putting it and the regulations made by the chairman and trustees into force and for every other purpose relating to the administration of the common.” How votes to be given at meetings.

9. The regulation effecting the division of the parts of the said common homologated by the Superior Court of the district of Richelieu on the 13th of June, 1899, and registered in the registry office of the registration division of the County of Yamaska, on the 11th July, 1899, is declared to be regular, and shall comprise the land known and designated by and under the number 776 of the official plan and book of reference of the parish of St. François du Lac. Certain regulation declared to be regular.

10. This act shall come into force on the day of its sanction. Coming into force.