

company may be in the form of Schedule A to this act, or the like effect.

3. This act shall come into force on the day of its sanc- Coming into force.
tion.

CAP. LXIV.

An Act to amend the act 27-28 Victoria, chapter 70, intituled : " An Act to enable the proprietors of the Islands Du Moine and Des Barques, to make regulations for the better government of the said islands."

[Assented to 10th June, 1884.]

WHEREAS the chairman and trustees of the Islands Preamble.
Du Moine and Des Barques have, by their petition to the Legislature, prayed for certain additional powers for the general benefit of the proprietors of the said islands, and whereas it is expedient to amend to that effect the act of the parliament of the late province of Canada, 27-28 27-28 V., c. 70.
Victoria, chapter 70, intituled : " An Act to enable the proprietors of the Islands Du Moine and Des Barques, to make regulations for the better government of the said islands ; " Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 1 of the act 27-28 Victoria, chapter 70, 27-28 V., c. 70,
is hereby amended by adding after the words " St. s. 1 and certain other sections amended.
Pierre de Sorel," in the nineteenth line, the words " Ste. Anne de Sorel," and also in all the following sections wherever the churches, where notices are to be published, are mentioned.

2. Sections 11, 12 and 13 of the said act are hereby Id. secs. 11, 12 and 13 repealed.
repealed.

3. In order the better to know all the persons having Notice to persons claiming rights in islands to produce their titles.
or claiming to have rights or parts of rights in the said islands, and to determine the rights or parts of rights which they shall each enjoy in future, the said corporation shall, within three months from the passing of this act, by notice inserted during one month in a newspaper published in the town of Sorel, and read and posted up at the doors of the churches of St. Pierre de Sorel, Ste. Anne de Sorel, St. Joseph de Sorel, St. Michel d'Yamaska and St. Robert, at the close of Divine service on at least two consecutive Sundays, call upon all persons having or

claiming to have rights or parts of rights in the said islands to produce their title-deeds and documents before the clerk of the said corporation on the day specified in such notice, which day shall be at least three months after the publication of such notice.

Inquiry into validity, &c., of such titles by trustees.

4. The chairman and trustees, or the majority of them, shall inquire into the value and authenticity of such title-deeds and claims, and they shall be entitled to retain such title-deeds in their possession during two months, during which period they may require the parties who have produced the same to appear before them and justify their claims, and, to that effect, witnesses may be summoned by both parties, and be interrogated under oath, as well as the parties themselves.

Resolution establishing result of inquiry

5. After having heard the parties and deliberated upon each claim, the said trustees shall, by a majority of votes, pass a resolution establishing the result of their investigation.

Contents of such resolution.

Such resolution shall establish whether the claim is founded or not, whether the share be entire or only a portion of a right, and in the latter case shall determine the exact proportion of such right, and the privileges of pasturage or others, which the proprietor of such right or part of a right shall enjoy.

Its registration.

Such resolution shall be entered by the clerk of the corporation in a register kept for that purpose, and he shall give a true and certified copy thereof to the parties when he returns them their title-deeds and documents.

Duties of trustees before inquiry.

6. Before proceeding to hold the inquiry, hereinabove provided for, the chairman and trustees shall take the oath mentioned in Schedule A, and shall make such regulations as they may deem proper for the maintenance of order and for establishing the procedure to be followed in the various contestations.

Posting, &c., of regulations.

Such regulations shall be read out at the first session, and be posted up in the room where the said trustees shall sit.

Trustee not to sit if interested, or be in room, in certain cases.

7. No trustee shall sit when he is personally interested in the right under investigation; and he shall not even remain in the room while the investigation is being carried on when any of his relatives are preferring their claims.

Application for ratification of title after resolution is passed.

8. During the two months following the passing of the aforesaid resolutions each proprietor shall, by petition to a judge of the Superior Court, in chambers, or holding the

Circuit Court, in and for the district of Richelieu, in the town of Sorel, apply for ratification of title for a right of ownership in the said islands in view of or in opposition to the resolutions which shall have been passed by the trustees; provided always that no petition shall be received unless the resolution be thereunto annexed and unless it appear by the return of a bailiff of the Superior Court that a copy of such petition has been duly served upon the said trustees. Proviso.

9. If no opposition be made to such petition by the corporation, the judge may, in his discretion and without further examination, declare the petitioner's title valid and legal and give him a perfect and incontestable right in the said islands, the whole without costs against the said corporation. If no opposition be made to application.

10. In the event of the said trustees contesting such petitions, it shall be lawful for the judge, sitting in the Circuit Court or in vacation, to allow the parties to the contestation to plead in writing, to file title-deeds, documents and papers, to examine witnesses under oath, to appoint one or more experts arbitrators, to hear the parties who may be interrogated on articulated facts, under decisory or judicial oath if he deems advisable and allow costs. If there be opposition.

All the proceedings shall be in all respects similar to those in an ordinary action; and the costs shall be recoverable by execution under a writ issued from the court having jurisdiction as in an ordinary case. Proceedings.

11. It shall be lawful for the judge to make such orders, render such interlocutory or other judgments, and determine the pleas and procedure in such manner as he may deem most expedient for the ends of justice. Power of Judge.

12. All persons who shall neglect to produce their title-deeds as aforesaid during the month following the day specified in the notices for the filing thereof, shall be deemed to have renounced their rights or pretended rights in the said islands, and shall be deprived of the exercise of such rights until they have produced their title-deeds in the hands of the clerk and have obtained the ratification by the judge; provided that the thirty years prescription, dating from the first day of July, one thousand eight hundred and sixty-five, established by section 11 of the act 27-28 Victoria, chapter 70, shall be considered as continuing to run, as if the said section were not repealed by this act. Prescription if title be not filed. Proviso.

13. The clerk of the said corporation shall see to the carrying out of the regulations of the said corporation, and shall, under penalty of a fine not exceeding fifty dollars, prosecute on behalf and in the name of the corporation those who place cattle on the islands without lawful right, before the district magistrate or before two justices of the peace, in and for the district of Richelieu, all persons who shall put animals on the said islands without first having had their rights established as aforesaid.

Suits for pasturage. The clerk shall also prosecute such persons before the Circuit Court at Sorel for the value and price of the pasturage of such animals, and may demand that they be kept and sold in default of payment.

Application of sums received. The sums so recovered, and the fines imposed by the magistrate, shall be employed by the trustees for the general benefit of the proprietors.

Title to be recognized. The only title which the defendants may show, in order to justify their actions, shall be the title recognized by the judge as above provided.

Time when islands are to be at disposal of proprietors, each year. **14.** The corporation shall fix, each year, the date at which the said islands shall be at the disposal of the proprietors; provided such date be before the first day of June in each year.

Calling of meetings of proprietors for certain purposes. **15.** Whenever the corporation shall deem it advisable, the chairman, or in his absence the majority of the trustees, may call a general meeting of the proprietors, of which notice shall be given, as above provided, to take into consideration any subject or proposition affecting the proprietors of the said islands.

Power of corporation to lease, &c. And the said corporation shall have power to lease, alienate or dispose of a portion of the said islands or the whole property for other purposes than pasturing animals.

Notice of meetings. **16.** Before proceeding to carry out any of such objects, all the proprietors shall be called to a meeting, by notices published as above mentioned, which notices shall clearly set forth the purpose of the meeting.

Date and place of meeting. Such meeting shall be held on the day specified, at the usual office of the corporation, at the hour of ten in the forenoon, and the chairman, after having explained the object of the meeting, shall submit, for the approval of the proprietors, the by-law which shall have been previously approved and voted by the trustees; and if, one hour after the opening of the meeting, no objection in writing, signed by at least three proprietors of the islands, has been deposited in the hands of the chairman, the by-law shall be declared adopted and approved; if, on the contrary, an

Poll.

objection be filed, the chairman shall grant a poll, which shall be held at once.

17. The chairman of the trustees shall *ex-officio* preside at such poll and the clerk shall act as secretary. Chairman of meeting.

With the exception of the clerk all the proprietors, who are of the male sex and of the full age of majority, whose rights shall have been recognized and ratified by the judge, shall be entitled to vote for or against such by-law. Persons having right to vote.

18. The clerk shall enter the proprietor's name and the word "Yea," if he vote for the by-law, and "Nay," if he vote against it. Duty of clerk during voting.

The said poll shall be declared closed at five in the afternoon, and the chairman, after having counted the votes, shall declare the by-law adopted if at least two-thirds of the proprietors have voted "Yea," and the by-law lost, in the contrary case. Close of poll.

19. The corporation shall have the right, by resolution to that effect, to borrow, for a period not exceeding six months, and by means of notes signed by the president and clerk, a sum of money not exceeding four hundred dollars, whenever the corporation shall decide that it is urgent to procure such sum; provided that during the three months following the issue of such notes an apportionment shall be made on all the proprietors to levy the amount of such loan, and provided that the corporation shall never owe more than four hundred dollars for notes. Power to borrow certain amount. Proviso.

20. Section 16 of the act 27-28 Victoria, chapter 70, is amended by adding after the words "forty shillings currency," the words "provided it be not otherwise provided for by the present act." 27-28 V., c. 70 s. 16, amended

SCHEDULE A.

I,
member of the corporation called the chairman and trustees of the Islands Du Moine and Des Barques, swear that I will faithfully perform the duties of that office and, to the best of my knowledge and ability, decide upon the merits and value of the rights or pretended rights which shall be submitted to me. So help me God. Form of oath.