

CAP. LIV.

An Act to make certain provisions concerning the common of La Baie St. Antoine or Baie du Febvre.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS the chairman and trustees of the common of the seigniory of La Baie St. Antoine, commonly called "Baie du Febvre," have, by their petition, prayed for the settlement of the scale of voting at the meetings of the corporation, for the privilege of making works in common of an urgent nature, for the power to confiscate the rights of those interested who are in arrears, and for the making of regulations concerning the registration of changes of title; and whereas it is expedient to grant the prayer of the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Right to vote.

1. At the general meetings of persons, having a right in the common of La Baie St. Antoine, commonly called: "Baie du Febvre," every such person shall be entitled to one vote for each right which he possesses; the vote of every person who has only a fraction of a right shall be counted only as a fraction of a vote equivalent to his fraction of a right.

Repairs to works in common.

2. Whenever it becomes urgent to make repairs to works in common, the corporation of the common may demand the services of a rural inspector, who shall view the premises and report upon the urgency of the repairs required. After such report the corporation may cause the execution of the work indicated, and when finished, shall cause it to be examined, by the rural inspector, who shall at the same time examine and certify the account of the cost thereof. The person bound to make these repairs shall be liable to the corporation for the payment of the amount of the account so certified, and also the fees of the rural inspector as fixed by the Municipal Code. In default of payment, the corporation may recover the amount so certified and the fees of the rural inspector by bringing suit before two justices of the peace residing in the county of Yamaska.

Payment therefor.

Proceedings in default of payment.

3. In default of payment, by any person having a right in the common, of any assessment or rate imposed by the corporation, the said corporation may serve upon such person in arrears a notice demanding payment and notifying such person that, if the amount due be not paid within

sixty days from the date of the service, the corporation will, on the expiration of such delay, proceed to the confiscation of his right in the common. If the residence of any such person in arrears be unknown the corporation shall cause the fact to be established by a *procès-verbal* drawn up by the chairman, sworn to before a justice of the peace residing in the county of Yamaska, and the notice shall then, instead of being served upon such person, be published once a week during four weeks in a newspaper published in the French language in the district of Richelieu, and, in such case, the delay of sixty days shall run from the date of the last publication.

Confiscation of
right in com-
mon.

4. If the person, so notified, considers that he has good reasons for opposing the confiscation of his right, he shall state them in writing and deposit such document in the office of the clerk of the corporation before the expiration of the delay of sixty days. After the expiration of this delay, the corporation may, at a meeting duly called for that purpose, confiscate the right of any person duly notified who neglects or refuses to pay the amount of his assessment or tax together with the costs of notification; but the corporation shall not proceed to confiscate the right of a person who has produced reasons in opposition, until it has notified him of the day and hour of the meeting and has given him an opportunity of being heard.

Opposition to
confiscation.

5. A resolution of the corporation, ordering the confiscation of a right in the common, shall have the effect of depriving the possessor of his right and of transferring it to the corporation, which may afterwards, after a delay of twelve months, either annul the right or dispose of it by sale in the manner, at the price, and upon the conditions which it deems proper. Provided however, that the party whose rights have been confiscated shall have the right of redemption, during such delay of twelve months, by paying the amount of all arrears of assessments or rates to date with the costs incurred.

Effect of reso-
lution declar-
ing confisca-
tion.

Proviso.

6. Every person, considering himself aggrieved by the confiscation of his right in the common by the corporation, or claiming that the essential formalities have not been observed, may, within twelve months from the date of the resolution decreeing confiscation, appeal from such resolution to the Circuit Court of the county of Yamaska. The appeal shall be conducted in accordance with the provisions of articles 1064, 1065, 1066, 1067, 1068, 1070, 1071, 1072, 1073, 1074, and 1075 of the Municipal Code. The corporation shall postpone all subsequent proceedings in connection with the confiscation until the decision of the appeal.

Appeal from
resolution, to
Circuit Court
Yamaska.

Procedure
thereon.

Proceedings
stayed on con-
fiscation pend-
ing appeal.

Register to be kept of changes of title, which must be registered.

7. The clerk of the corporation shall keep a register in which he shall enter every change of title to right in the common. Whoever acquires a right or a portion of a right to the common shall present for registration at the office of the clerk the contract or documents establishing his right, and such documents when registered shall be returned to him. For the registration of each change of title the clerk shall be entitled to a fee of one dollar, which shall be paid upon production of the contract or documents establishing the change.

Effect of non-registration.

8. Every change of title shall, until registered, be without effect as regards the corporation.

Act in force.

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

C A P . L V .

An Act to confirm the Act of the Federal Parliament (45 Vict., chap. 101), intituled: "An Act to amend and extend the 'Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter and to provide for the winding up of their affairs;'" and to render valid the provisions of the said act and to give effect thereto.

[Assented to 30th March, 1883.]

Preamble.

WHEREAS, at its last session, the Federal Parliament passed the statute mentioned in the title of this act, which said Federal statute, as printed in the book of the statutes of the said Federal Parliament, 45 Victoria, chapter 101, is as follows:

45 Vict., c. 101 recited.

"An act to amend and extend the 'Act to empower the Stadacona Fire and Life Insurance Company to relinquish their charter and to provide for the winding up of their affairs.'

Preamble.

"Whereas the Stadacona Fire and Life Insurance Company, in liquidation, (hereinafter called the Company) has, by its liquidators, duly elected in conformity with the act forty third Victoria, chapter seventy, that is to say, Charles Antoine Ernest Gagnon, the Reverend Julien Melchior Bernier, priest, and Alphonse Le Tellier, presented a petition representing that it is urgently necessary that the Act aforesaid, intituled "An Act to empower the Stadacona Fire and Life Insurance Company to relinquish their Charter and to provide for the winding up of their affairs," should be

43 V., c. 70.