

members; for any of the reasons mentioned in the constitution, rules and regulations of the said corporation shall *ipso facto* forfeit all rights of membership.

Moneys due. **7.** The said corporation shall have full power to collect and enforce by suit at law, or other legal process, the payment of all subscriptions, or instalments on subscriptions as well as all debts and claims of any nature or kind soever which may become due to the said corporation by any of its members under and by virtue of any of the provisions of the present act.

Suits. **8.** The said corporation may sue or be sued in all courts of justice for all sums hereafter to become due to or by the said corporation.

Moneys not liable to seizure. **9.** No sum of money granted by the said corporation, in virtue of its constitution or any by-law, for the purpose of aiding or assisting any member when sick, or the widow or orphans of any deceased member, shall be liable to seizure, either before or after judgment; provided, always, that nothing contained in the present section shall prejudice, in any manner whatsoever, the right of any creditor with regard to moneys due by the corporation to any member, either by reason of a contract or other undertaking entered into between the said corporation and such member.

Proviso.

Copy to make proof. **10.** A copy of any by-law or by-laws certified to be true copy or copies by the president and secretary of the said corporation under the seal of the said corporation shall be received as *prima facie* evidence of the passing of such by-law or by-laws and of the contents thereof, in all courts of justice in any civil suit or proceeding.

C A P . L X V I I .

An act to regulate the floating of cord-wood, on the innavigable portion of the river St. Francis.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS it appears that there exist abuses in the floating of cordwood on the innavigable portion of the river St. Francis, and that these abuses occasion numerous suits at law and considerable losses to the persons engaged in the cord-wood business in the neighbourhood of the said river; and whereas it is urgent that this state of affairs be remedied; Therefore, Her

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

1. There shall be an officer or person appointed to regulate the floating of cord-wood on the innavigable portion of the river St. Francis, which is situated in the counties of Drummond and Yamaska ; and he shall be designated under the name of "Trustee of the river St. Francis."

Appointment of trustee.

2. The trustee shall be appointed by the municipal council of the county of Yamaska ; and he shall retain office during the pleasure of the council.

Idem ; term of office.

3. The trustee shall be a male inhabitant, of the full age of majority, of any one of the municipalities on the river St. Francis, within the limits of the county of Yamaska.

Qualification.

4. Before acting as such, the trustee shall take an oath well and faithfully to fulfil the duties of his office ; he shall take such oath of office before the warden of the county or the secretary-treasurer of the county council, and the record of his having taken such oath of office shall be deposited in the archives of the county council.

Oath of office.

5. Every person shall, before placing cord-wood in the innavigable portion of the river St. Francis or in its tributaries, in order to bring the same down to the navigable waters, by means of rafts, notify the trustee and cause the same to be inspected, measured and received by him ; and wood thus received shall not be thrown into the river or any of its tributaries, except at the times fixed by the trustee.

Putting of wood in water.

Notice required.

Inspection, Order.

6. So as to facilitate the inspection and determine the quantity and the quality of his cord-wood, every person, desirous of bringing down cord-wood afloat on the innavigable part of the river St. Francis, shall cord the same so that the trustee may conveniently examine it and see each side of the piles. If the trustee should find that any lot of wood is not properly corded, he shall order that the same be corded anew ; and such lot shall not be inspected and received by the trustee until after it has been corded again and in a proper manner by such person.

Manner of cording wood.

7. Cord-wood shall be divided into three classes : the first class shall include maple, beech, and birch ; the second class, bass wood, white birch (*bouleau*) and tamarac, the third, other wood.

Classification of wood.

Allowances. **8.** In receiving any lot of wood, the trustee shall make all allowances and deductions necessary by reason of its length, to establish the quantity thereof. The wood shall be received in classes.

Register of wood received. **9.** The trustee shall keep a register in which he shall enter the name, occupation and residence of each person who shall deliver to him a lot of wood, the date of its reception, the quantity and quality of wood received and its class. He shall deliver to each such person a certificate, in conformity with such entry.

Certificate delivered.

Day for putting in water. **10.** The trustee shall fix the day upon which the persons having timber to float, shall put the same in the water; and he shall notify them thereof either verbally or in writing. Each class of wood shall be, as much as possible, placed in the water and brought down separately; but the trustee may, when he deems it convenient or urgent, allow and authorize two or three different classes to be placed in the water and brought down at the same time.

Workmen required. **11.** The trustee shall fix the number of men to be employed by each party interested in a drive, to assist in bringing down and taking out the wood, in proportion to the quantity of wood contained in each lot; and if any party makes default to furnish the required number of men, the trustee shall engage the number that are wanting and set them to work at the expense of the party in default.

Superintendence of trustee. **12.** The trustee shall superintend the drive of the wood as far as the bar which shall be situated above the navigable water, and also the drawing out of the wood at the bar.

Wood brought down, corded and divided. **13.** All cord-wood in each drive shall be corded at the bar and measured, on being taken out of the river, by the trustee; and the trustee shall establish the diminution in the quantity of wood that has occurred in the bringing down of the drive, and he shall divide such loss, and shall enter in his register the proportion to be borne by each of the parties interested.

Where delivered. Deduction. **14.** The timber shall be delivered at the bar according to classes. After having received the wood of any drive, the trustee shall make all deductions or allowances necessary in regard to quality of the wood belonging to each of the parties interested, so as to equalize as much as possible the interests of parties having wood in each class; and he

Entry in register.

shall enter in his register the increase or decrease to be made to each, so as to establish such equality of interest.

15. The trustee shall deliver to each party interested his share, established as hereinbefore provided, of each drive; but during the time the wood is being taken out of the water, he may, before establishing the share of each, deliver to each such party such quantity of wood as he may deem suitable, on account. The wood delivered on account shall be marked, on each delivery, upon the certificate of such party; and in receiving the complement of his share or his whole share at once, each party interested shall return his certificate to the trustee.

Delivery of wood.
Certificate returned.

16. The decisions of the trustee, upon all matters within his charge, shall be final; and the entries in his register, which shall all be dated and signed, and the certificates given by him to the parties interested shall make proof of their contents.

Decisions of trustee.
Proof of entries and certificates.

17. Any person who shall throw any cord-wood into the innavigable portion of the river St. Francis, before it has been received by the trustee, or before such person shall have been notified of the day upon which he shall throw in such wood, shall not have the right to take any wood from the bar before the trustee shall have delivered and distributed to the persons who shall have brought down their wood in conformity with the provisions of this act, the quantity of wood to which he shall decide that they respectively are entitled, after having estimated, in the manner he shall deem the most equitable, the loss occasioned during the drive; and the persons contravening the provisions of this act shall take the wood that remains, without having any right to any indemnity, for any loss that they may pretend to have suffered.

If wood be put in water before being received, etc.

18. Every person who shall draw out or take wood at the bar without the permission of the trustee shall incur a fine not exceeding fifty dollars for each infraction.

Penalty.

19. The fines imposed by this act shall be recoverable before the district magistrate's court, for the county of Yamaska or before the circuit court for the county of Yamaska or before two justices of the peace, residing in the county of Yamaska.

Recovery of fines.

20. All fines incurred by the same person may be included in the same action.

Suits.

21. Every suit to recover fines imposed by this act shall be commenced within three months after the day

Prescription.

upon which they shall have been incurred, upon pain of forfeiture.

Prosecuting parties.

22. Such suit may be instituted by the trustee, or by any person of the age of majority in his own name.

Witnesses.

23. Such suit may be decided on the evidence of one credible witness.

To whom fines belong.

24. The fines recovered under this act shall belong one half to the plaintiff and the other half to the trustee, who shall impute the same, first to his salary, and afterwards to his fees.

Execution of judgment.

25. The judgment shall be executory at the expiration of fifteen days from the date thereof.

Fees and salary of trustee.

26. The trustee shall have a right, for his services, to a fee for each cord of wood received by him, and to a salary for each day on which he is employed in superintending the bringing down of a drive; and the council of the county of Yamaska shall establish a tariff for such fees and salary, and may change the same from time to time.

Tariff.

The fee upon each cord received shall be paid by each party interested for his lot; and the amount of the salary for the time spent by the trustee, in bringing down such drive, shall be divided between the parties interested, in proportion to the quantity of wood belonging to each, and each shall pay to the trustee his proportion thereof.

Recovery thereof.

27. In case of the refusal or neglect of any person to pay such fees and proportion of salary, they shall be recoverable by the trustee, before any court of competent jurisdiction.

Recovery of wages.

28. The trustee may, in the same manner, recover from the persons making default to furnish the number of men required by him, the wages of the men that he may have engaged to replace such men.

Privileges of trustee.

29. The trustee shall, upon the cord-wood of each party interested, have a lien for the recovery of what is due by such party for fees and salary as well as for the recovery of the men's wages; this privilege shall have priority after costs of suit and expenses incurred in the common interest; and for retaining such privilege the trustee shall have a right to a conservatory writ of attachment as an incident in any suit that may be brought by him for the recovery of his claims.

Rank, &c.

30. The trustee shall have the right to appoint a deputy trustee and to remove him from time to time; and in case of sickness or absence of the trustee, such deputy shall act in his place and perform all his duties. In case of the resignation or decease of the trustee such deputy shall fulfil his duties until a successor to the trustee shall have been appointed. Deputy trustee.

The deputy shall be remunerated by the trustee when he shall act in his stead: in the case of the resignation or death of the trustee, he shall have a right to the fees and salary allowed to such trustee. Salary.

31. The deputy trustee shall possess the same qualifications and take the same oath as the trustee. He shall take such oath before the warden of the county or the secretary-treasurer of the council of the county of Yamaska. The document appointing or removing the deputy trustee and the record of his having taken the oath, shall be deposited by the trustee among the archives of the council of the county of Yamaska. Qualification and oath.

Should the trustee not know how to write, the document appointing or removing the deputy trustee shall be drawn up and received by the secretary-treasurer of the county council.

32. If the trustee does not know how to write, he shall have the right to appoint a clerk, who shall be known by the name of "clerk of the trustee of the River St. Francis," and to remove him from time to time. Trustee's clerk.

Before acting as such, the clerk shall take an oath before the warden of the county or the secretary-treasurer of the council of the county of Yamaska well and faithfully to perform the duties of his office. Oath.

The document appointing or removing a clerk shall be drawn up and received by the secretary-treasurer of the county council; and the said documents as well as the record of the oath of office of the clerk shall be deposited among the archives of the council of the county of Yamaska.

33. The clerk shall keep the register of the trustee, and, under the direction of the trustee, he shall make therein all the entries required by this act, and shall sign the same. He shall write under the direction of the trustee and sign all the certificates and the notices which the trustee is obliged to give, and he shall also endorse the certificates given on account. Duties of clerk.

The entries in the register made and signed by the clerk, and the certificates, endorsements on account and notices written and signed by him, shall have the same

effect and make the same proof of their contents as if they had been given under the trustee's own hand.

When clerk
must be ap-
pointed.

34. Whenever the trustee shall appoint a deputy trustee who does not know how to write, he shall appoint a clerk at the same time.

His salary.

35. The clerk shall be paid by the trustee when he acts under his direction or under the direction of the deputy trustee acting for him ; he shall be paid by the deputy trustee after the resignation or decease of the trustee.

C A P. L X V I I I .

An act concerning the water-works of St. Johns.

[*Assented to 28th December, 1876.*]

Preamble.

WHEREAS Louis Molleur the younger, esquire, E. Z. Paradis, esquire, advocate, J. P. Carreau, esquire, advocate, Joseph l'Ecuyer, esquire, notary public, and Olivier Hébert the younger, esquire, farmer, all of the town of St. Johns, and sole shareholders in the capital stock of the water-works company of St. Johns, have by their petition represented that they unanimously desire to constitute the said Louis Molleur the younger, the sole proprietor in his own name of all the property, rights and privileges of the said company, subject to all the obligations and responsibilities thereof, and whereas it is advantageous for the said shareholders, and for the public to pass an act for that purpose ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Substitution
of L. Molleur,
for the com-
pany.

1. Louis Molleur the younger, of the town of St. Johns, in the district of Iberville and province of Quebec, is and shall be the sole proprietor in his own name of the water-works of St. Johns, in place and stead of the water-works company of St. Johns, and he is substituted to the said company as proprietor of all the property, and

Obligations.

charged with all the obligations and responsibilities of the said company.

His rights
and privi-
leges.

2. The said Louis Molleur the younger, his heirs and assigns, shall have the exclusive right and privilege, from this date until the first day of January one thousand nine hundred and twenty-two :

1. Of placing pipes or water conduits under the streets and public squares of the town of St. Johns ;