

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 215

An Act to amend the Act to provide for the division of the Common of Maskinongé. Assented to 10th June, 1857.

Whereas certain persons interested in the Common of Maskinongé have by their petition represented, that the powers conferred by the fifth and sixth sections of the Act passed in the sixteenth year of Her Majesty's reign, intituled, *An Act to divide the Comnum of Maskinongé among the coproprietors thereof*, upon the Judge of the Superior Court who is to make an examination of the titles produced by the parties claiming to have rights in the said Common, and to give judgment, are insufficient for the purpose, and for the purposes of justice it is expedient to extend them; And whereas some of the parties interested in the said Common may not have been aware of the publication of the notice required by the fifth section of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. It shall be lawful for all and every of the Co-proprietors of the said Common who may not have exhibited their deeds of concession, judgments, or other titles establishing their respective rights in the said Common at the Office of the Commissioner under the provisions of the said Act, to file the same at the Office of the Clerk of the Circuit Court for the Three-Rivers Circuit within one month from and after the passing of this Act.
- II. All titles filed as aforesaid in pursuance of this Act shall be dealt with in every respect, and the parties filing the same shall have the same rights and be in the same position as if they had been transmitted to a Judge of the Superior Court of Lower Canada in the town of Three-Rivers by the Commissioner under the provisions of the said Act.
- III. The Judge, whose duty it shall be to examine the titles exhibited to the Commissioner elected in virtue of the said Act hereby amended, or filed in pursuance of this Act, and to pronounce judgment thereupon, may, without further examination, declare valid those titles which shall serve as the foundation of uncontested claims, and thereupon allow such claims.
- IV. With respect to contested titles and claims, it shall be lawful for the said Judge to permit the parties to such contestation to plead in writing, produce titles, documents and papers, examine witnesses upon oath, appoint and swear one or more *experts* or arbitrators, hear the parties, who may be interrogated upon *faits et articles*, upon *serment decisoire* or *serment judiciaire*, if deemed expedient, and allow costs in the matter, all the proceedings to be in every respect similar to those in ordinary actions; and the said costs shall be recoverable by process of execution upon a writ to be issued out of the Court having jurisdiction therein, as in any ordinary case.

V. It shall be lawful for the said Judge to make such orders and to render such interlocutory judgments, to regulate the pleadings and procedure as he shall deem expedient for the purposes of justice.

VI. This Act shall be deemed a Public Act.