

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.

Legal effect of titles so filed as aforesaid.

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.

Titles for uncontested claims to be admitted as of course.

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.

Powers of the Judge as to contested cases.

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 décisoire* 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.

Judge may make orders, &c., in such cases.

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.

Public Act.

VI. This Act shall be deemed a Public Act.

## C A P. C C X V I.

An Act to amend the Act to enable the inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François.

[Assented to 10th June, 1857.]

Preamble.

**W**HEREAS it is expedient to provide for the division of the Common of St. François du Lac among the co-proprietors thereof, in accordance with their respective rights therein, so that each one may be enabled separately to enjoy or dispose of his share in the said common, and for that purpose to grant more ample powers to the Chairman and Trustees of the said Common appointed in virtue of the Act of 1853, intituled, *An Act*

*Act to enable the inhabitants of the Parish of St. François du Lac, better to regulate the Common of St. François; 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 the duty of the said Trustees, as soon as possible after the passing of this Act, to ascertain and determine by such means as they shall deem expedient, the exact number of the co-proprietors of the said common, and to establish the exact interest held by each such co-proprietor therein.

Number of co-proprietors to be ascertained.

II. The said Chairman and Trustees shall then proceed to nominate and appoint a sworn surveyor whose duty it shall be to make a plan of the said Common and to subdivide and apportion it as equally with reference to superficial area as possible, into as many lots as there shall be shares in the said Common, reserving such extent thereof for roads and thoroughfares as may be necessary for the use and convenience of the said co-proprietors: Provided always, that the boundaries and limits of the said Common as they are at present established and determined shall be the limits and boundaries of the said Common for all the purposes of this Act.

Common to be divided into lots equal in number to shares.

Proviso.

III. Upon the completion of the said survey and the subdivision of the said common into lots, the said Chairman and Trustees shall call a meeting of the co-proprietors of the said Common, due notice whereof shall be given by advertisement posted up at the church doors of the Parishes of St. Thomas de Pierreville and St. François du Lac, upon two consecutive Sundays, and by public notice on two consecutive Sundays immediately after Divine Service in the Forenoon at the doors of the churches aforesaid; and a majority of the said co-proprietors present at such meeting shall proceed to appoint two disinterested persons to act as arbitrators, whose duty it shall be to estimate and determine the value of each lot respectively, into which the said Common shall have been so divided.

Appointment of Arbitrators to fix value of lots.

IV. In case the said arbitrators shall not be able to agree, they may appoint a third, and their report, or that of any two of them, shall be final.

Third Arbitrator in case of difference.

V. The report of the said arbitrators shall set forth the separate value of each lot respectively, and the average value of all the lots in the said Common as calculated upon the separate value of each lot; the said report duly certified and sworn to before a Magistrate shall be delivered to the said Chairman and Trustees, and thereupon it shall be their duty to give public notice in the manner hereinbefore provided, that on a certain day, at a certain place and hour to be stated in such notice, they will proceed in the presence of such of the said co-proprietors as may be present at such meeting, to determine by lot what lot or lots in the said Common shall thereafter belong to each

What the Report of the Arbitrators shall contain.

Distribution  
of the portions  
by lot.

each of the said co-proprietors respectively, without favour or partiality, according to the general practice in like cases in Lower Canada, subject, however, to the following condition, that is to say, that such of the co-proprietors as shall by lot become the owners of lots the estimated value of which shall exceed the average value of all the lots, shall be bound to pay the excess over the average value, into the hands of the said Chairman and Trustees, and it shall be the duty of the said Chairman and Trustees to pay out of the said moneys to those of the co-proprietors the value of whose lots shall be less than the average value, the difference between the value of their lots respectively and the said average value.

*Procès-verbal*  
of proceedings  
duly certified  
to be a valid  
title to lots.

VI. Upon the completion of the said division in the manner and subject to the conditions hereinbefore provided, the said Chairman and Trustees shall prepare a *procès-verbal* of the whole duly certified before witnesses, which shall be deposited in the office of a notary residing in one of the aforesaid Parishes, and the said *procès-verbal* shall for ever thereafter be a good and valid title to each of the said co-proprietors, for each share of the said common which shall be described in the said *procès-verbal* as having fallen to his share or lot; Provided, however, that any person who shall deem himself aggrieved by such division, or may be desirous of contesting the right or title of any of the said co-proprietors to their property in the said Common, may take proceedings and be heard in the matter before any Judge of the Superior Court for Lower Canada, or of the Circuit Court for the Circuit of Yamaska, and the Judge shall have full power, in a summary way and out of Court, to hear witnesses and the parties, order pleadings in writing and the production of papers, appoint *arbitres* and *experts*, and determine any matter or cause arising out of any proceedings taken under this Act.

Proviso: ap-  
portional given.

Expenses of  
division pro-  
vided for.

VII. It shall be the duty of the said Chairman and Trustees to cause a just and exact apportionment to be made, determining the amount of the sum or sums which each of the proprietors shall be bound to pay, in order to the levying of the moneys which may be due to the surveyor employed by the said Chairman and Trustees for the purposes of this Act, and to defray the expenses incurred in and about the passing of this Act, and for arbitration and all other necessary expenses which the said Chairman and Trustees may incur in the execution of their duties in conformity with this Act, and all other just and lawful expenses whatsoever incurred in carrying this Act into effect.

Co-proprietors  
to pay in ac-  
cordance with  
apportionment.

VIII. The said co-proprietors shall pay to the said Chairman and Trustees at any time after the *procès-verbal* of the distribution of the lots shall have been prepared and deposited as aforesaid, the amount which each of the said proprietors shall be bound to pay, in accordance with the apportionment which shall have been made as aforesaid.

IX.

IX. In case any of the co-proprietors or parties interested shall refuse or neglect to pay any of the moneys which may become due to the said Chairman and Trustees under and by virtue of this Act, the said Chairman and Trustees shall be authorized to take proceedings before any Justice of the peace for the District residing in the County of Yamaska, for recovering the same, and such justice is hereby authorized to take cognizance of such proceedings and to give judgment therein, in a summary manner, and to issue his warrant for levying the amount recovered, with costs.

*In case of their refusal or neglect.*

X. Nothing herein contained shall be construed to affect the rights of Her Majesty, Her Heirs and Successors; or of any body corporate or politic, or of any person, such only excepted as are herein mentioned.

*Rights of Her Majesty, &c., reserved.*

XI. So much of the Act hereinbefore cited as is inconsistent with this Act shall be and the same is hereby repealed.

*Inconsistent enactments repealed.*

XII. This Act shall be deemed a Public Act.

*Public Act.*

## C A P. C C X V I I.

### An Act to incorporate the Canadian Literary Institute of Woodstock.

[Assented to 10th June, 1857.]

**W**HEREAS it has been represented to the Legislature of this Province, that divers inhabitants of the said Province have used their efforts to establish an Educational Institution in connection with that denomination of Christians called Regular Baptists, in the Town of Woodstock, in this Province; And whereas it would tend greatly to advance and extend the usefulness of the said Institution and to promote the object of the projectors thereof, that it should be incorporated: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

*Preamble.*

I. There shall be, and there is hereby constituted and established, at the Town of Woodstock, a body politic and corporate, under the name and style of the "Canadian Literary Institute," which corporation shall consist of fifteen Trustees, two thirds of whom shall belong to the denomination of Christians called Regular Baptists, and five of whom shall go out of office annually, in rotation, and their places shall be supplied in manner hereafter mentioned; and that Archibald Burch, of Woodstock, Esquire, Edward Topping, of Woodstock, Esquire, John Hatch, of Woodstock, Esquire, Reverend T. L. Davidson, of Brantford, M. A., Abram Carrol, of Oxford, Esquire, James Kintrea, of Woodstock, Esquire, William Winter, of Brantford, Esquire, H. J. Barber, of Townsend, Esquire, the Reverend William

*Corporation established. Corporate name and constitution.*

*First Trustees.*