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No. 127.

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3rd Session, 5th Parliament, 20 Victoria, 1857.

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(PRIVATE BILL.)

**BILL.**

An Act to amend the Act to provide for the  
division of the Common of Mackinongé.

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Received and read, first time, Wednesday, 18th  
March, 1857.

Second reading, Friday, 20th March, 1857.

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MR. POLETTE.

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TORONTO:  
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Act to provide for the division of  
the Common of Maskinongé.

**W**HEREAS 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 Common of Maskinongé among the co-proprietors thereof," upon the Judge of the Superior Court, 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; Therefore, Her Majesty, &c., enacts as follows :

Preamble.

16 V. c. 237.

- 10 I. The Judge, whose duty it shall be to examine the titles exhibited to the Commissioner elected in virtue of the said Act hereby amended, 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. Titles for uncontested claims to be admitted as of course.
- 15 II. 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 one or more sworn *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. Powers of the Judge as to contested cases.
- 20 III. 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. Judge may make orders, &c., in such cases.

IV. This Act shall be deemed a public Act.

Public Act.