

(200)

B I L L .

An Act to amend the " Act to regulate the exercise of certain rights of Lessors and Lessees," in Lower Canada.

WHEREAS the Act of the Legislature of Lower Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to regulate the exercise of certain rights of Lessors and Lessees,*" has been found to work badly, and it is necessary to amend it ; Be it therefore enacted, &c.,

Preamble.

L. G. 3 W. 4, c. 1.

That in all the cases mentioned in the Act first above cited, whether the lease or agreement for lease be verbal, written or authentic, the cause and all proceedings therein, and matters relative thereto, whatever the amount of the claim, or of the lease, or agreement for lease, or of the value of the thing in contestation, shall be heard, tried and determined before any Judge of the Superior Court or Circuit Judge, and in any case, in term or in vacation.

By what Judges cases shall be heard.

II. And be it enacted, That the proceedings in all such cases shall be commenced by summons, with declaration annexed in the usual form, and according to the practice of the Court, which shall be directed to a Bailiff of such Court for service thereof ; and the service shall in all cases be one clear day before the return, where the defendant shall reside within five leagues from the place of return, with an additional day for each additional five leagues of distance from the said place of return.

Mode of proceeding.

III. And be it enacted, That the said proceedings shall be summary, and no exception, whether formal or otherwise, shall be allowed to prevail against any such proceedings, if the same be amended forthwith by the Defendant, but any defect, error, or omission therein may be amended at any stage thereof, according to the facts of the case, with costs or without costs at the discretion of the Judge.

Proceedings to be summary.

IV. And be it enacted, That the proprietor or lessor may proceed under the said Act and this Act, at any time after the end of three days from the expiration of the lease, or agreement for lease, to recover possession of the immoveable leased and detained after that time.

When proceedings may be commenced.

V. And be it enacted, That the defendant shall appear and plead on the day following the return, before noon, on which day, or the

Delay between