

BILL.

An Act to define the mode of proceeding before Courts of Justice in Lower Canada, in matters relating to the protection and regulation of Corporate rights and to Writs of Prerogative, and for other purposes therein mentioned.

WHEREAS it is expedient to provide an easy and expeditious mode of proceeding before the Courts of Justice in Lower Canada for the protection of Corporate rights; and for regulating the use and preventing the abuse of the same, and for preventing the usurpation of Corporate offices, and for enforcing the performance of duties devolving upon persons holding such offices and upon Public Trustees and other Public Officers, Bodies and Boards, and in matters relating to Writs of Prerogative and other Writs: Be it therefore enacted, &c.

Preamble.

And it is hereby enacted by the authority of the same, That after this Act shall come into force, whenever any person shall usurp, intrude into or unlawfully hold or exercise any public office or any franchise within Lower Canada, or any office in any Corporation or other Public Body or Board, whether the same shall have been created or shall exist under or by virtue of any Statute or Ordinance, or under the Common Law of Lower Canada, it shall be lawful for the Superior Court sitting in the District in which such usurpation or unlawful detention shall have occurred, or for any two or more Justices of such Court in vacation, upon a declaration or petition (*requête libellée*) presented by or in the name of any person who may be interested in such public office or franchise, or in such Corporation, Public Body or Board, supported by affidavit to the satisfaction of such Court or of such Justices, and complaining of such usurpation, intrusion or unlawful detention, to order the issuing of a Writ commanding the person complained of to be summoned to appear before the said Court, or the said Justices, to answer such declaration or petition (*requête libellée*,) upon such day as the said Court or the said Justices may think proper to fix: Provided however, that in all such cases the Writ of Summons shall be served on the person so complained of, by leaving a copy thereof and of the said declaration or petition (*requête libellée*,) either with himself in person or at his domicile, in the manner practised in ordinary actions, and that three full days at least shall intervene between the service of such Writ and the return of the same, if such service shall be made within five leagues

Mode of proceeding against any person intruding into a Corporate office, &c.

Service and delay between service and return.