

1705

a lot of land forming part of the waste and unconceded lands of the seignior, or of the lands the reunion whereof to the domain shall have been ordered by judicial authority, may, if the Seignior so called upon shall refuse or neglect to concede such lot of land, summon and sue the Seignior by action or demand in the form of a declaratory petition, *requête libellée* in the Superior Court or before the Judges thereof, at their weekly sittings, in the District in which such lot of land is situate, for the purpose of obliging the said Seignior to concede the same.

XII. Whenever the Seignior shall have no domicile in the seignior in which such concession is required, the writ of summons and the petition thereunto annexed shall be served upon his agent, or upon the person charged with the collection of the rents of the said seignior, and if there be no such agent or no such person having his domicile in the seignior, the service of the writ of summons and of the petition thereunto annexed shall be made by posting on the door of the place appointed for the collection of the seigniorial rents, for the year next preceding such service, a duly certified copy of such writ of summons, and of the petition thereunto annexed.

Service of writ of summons.

XIII. Every such action or demand shall be determined in a summary manner, unless the Court or the Judges, before whom the same shall be brought shall think fit, for the interests of justice, to order a plea to be filed and written evidence to be adduced; and in every such action the said Court or the said Judges shall condemn the Seignior against whom the said action shall be so brought, to give a deed of concession of the lot of land so required, in favor of the plaintiff, within such period as they shall think fit to determine, unless the Seignior against whom the said action shall be so brought shall show that he has conformed to the provisions of the ninth section of this Act, and that the lot of land so required as a concession forms part of the lands reserved by him for his own private use, or that he is not by law obliged to make such concession; and in any case in which it shall be more in accordance with equity and the laws and customs of the country, to order that a lot of land other than the one required, be conceded to the Plaintiff, it shall be lawful for the said Court or for the said Judges so to do; and whenever the Seignior shall, after the expiration of the delay allowed, have neglected to grant a concession deed in favour of the Plaintiff, such judgment shall to all intents and purposes be for the said Plaintiff as a concession deed of the lot of land designated therein, on the conditions therein specified.

How the Court shall proceed.

RE-UNION TO THE DOMAIN

And whereas it was lawful for any Seignior, under the ancient forms of proceeding in use in the Courts of Jus-

Récital.