

or proprietors shall institute any action or proceeding, to dispossess such person, he shall, in and by such action or proceeding, offer and hold himself in readiness to pay to such person the just value of the ameliorations so made by him, to be determined by Experts nominated and appointed in the ordinary manner according to law, over and above the rents, issues and profits of such land; and such ameliorations and rents, issues and profits, shall be determined upon the principles stated in the preceding section of this Act, and until the payment by such proprietor or proprietors of such sum or sums of money as shall be estimated by such Experts to be the value of such ameliorations over and above the rents, issues and profits to be determined as aforesaid, the person so in possession of such land shall have a lien upon the same, and be entitled to retain the possession thereof: Provided always, that if such proprietor or proprietors shall prefer, and shall, in and by such action or proceeding, instituted by him or them as aforesaid, to recover the possession of such land, offer to sell and convey by a valid title the land so occupied to the person in possession thereof, for the price which such land shall be actually worth at the time of the institution of such action or proceeding, after deducting therefrom the net value of the ameliorations made thereon above the amount of the rents, issues and profits of such land during the time it shall have been occupied, to be determined and estimated as aforesaid, in that case, unless the person so in possession shall and do, within a reasonable time, to be determined by the Court or Judge before whom any action or proceeding shall be instituted, pay to such proprietor or proprietors on his or their conveying such land to him by valid title, such sum or sums of money as shall be determined by evidence in such cause or proceeding, to be a just remuneration to the proprietor or proprietors for such land, he shall forfeit all right of compensation for ameliorations made upon such land, and such proprietor or proprietors shall be entitled to dispossess such person without rendering to him any remuneration whatever, for the improvements which he may have made upon such land.

Proviso: if the proprietor declares himself ready to convey the land to the possessor for its actual value deducting the value of ameliorations, but adding issues and profits, then he may recover the land, unless paid such value he paid him.

Court may grant time for the payment of such value.

III. It shall be lawful for the Court or Judge empowered to hear and try the matters referred to preceeding section of this Act, to grant to any occupier entitled to purchase, and who shall offer to purchase any land in the manner hereinabove provided, time for the payment of one half the purchase money of such land, not exceeding two years, to be secured with the interest occurring thereon, by special hypothec upon such land.

In any suit under 14 and 15 V. C. 92, the parties may plead this Act. What Court or Judge may decide such case.

IV. In any suit or action instituted by any proprietor or proprietors to dispossess any person in possession of any lot, portion of a lot, or tract of land, under and by virtue of the Act passed in the Session of the Provincial Parliament held in the fourteenth and fifteenth years of Her present Majesty's Reign, intituled "An Act to provide a more summary and less expensive process for proprietors of real property in Lower Canada, to acquire the possession thereof, when illegally detained from them, in certain cases, it shall be lawful for the parties to any such suit or action to plead and establish all or any of the matters specified in this Act, and a Judge of the Circuit Court in vacation, a Judge of the Superior Court in vacation, or a Circuit Court, as the case may be, as well as the Superior Court, in the event of such suit or action being removed to the Superior Court, as is in the said recited Act provided, shall be empowered, and are hereby required to adjudicate therein, as fully to all intents and purposes as if such suit or action had been originally instituted in the Superior Court.

Recital of error in French

V. And whereas in the first section of the Act hereinbefore cited, the following sentence, namely, "It shall be lawful for any such proprietor or 55