

1852-3.]

BILL.

[No. 359.]

An Act to amend the Act 14th and 15th Vic., cap. 92, relating to the illegal detention of Real Property in Lower Canada.

WHEREAS it is necessary and expedient to amend an Act passed in the Session held in the fourteenth and fifteenth years of Her 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,*" and to make other and further provisions of law touching the same; Be it therefore enacted, &c.,

Preamble. 14 and 15 V., c. 92.

That in any action instituted under the provisions of the Act herein first above cited, before any Circuit Court, Circuit Judge in Vacation, or Judge of the Superior Court in Vacation, it shall and may be lawful for the Defendant or Defendants in any such suit or action at his or there option and choice, before making defence to such suit or action, to evoke the said suit or action to the Superior Court at its next ensuing Session within the District where such suit or action is commenced; and immediately upon the fying of such evocation, by any Defendant or Defendants, and upon security being given as hereinafter provided, the record and proceedings shall forthwith be transmitted to the said Superior Court holden within the District where such suit or action has been so commenced, to be by the said Superior Court heard, tried and determined according to the course and practice of the said Superior Court.

Defendant in any case under the said Act may before defence evoke such case to the Superior Court.

II. And be it enacted, That in any such case of evocation of any suit or action, the Defendant or Defendants fying such evocation shall be held, within eight days from the fying thereof, to give good and sufficient security for the costs to be incurred by the Plaintiff or Plaintiffs in conducting such suit or action to final Judgment; and a recognizance duly entered into by two sureties, each of whom shall be a proprietor of real property of the value of twenty-five pounds currency above all incumbrances shall be sufficient; and such security may be taken by any Judge of the Superior Court or the Prothonotary of the said Court, or before any Circuit Judge or the Clerk of the Circuit Court, and the said

Security to be given for costs

What shall be sufficient security.

How it shall be given.