

of the Court, and before the inscription of the cause for final hearing, the then fair market value of the land irrespectivel of such improvements, and also the increased market value given to the land by such improvements, as well as the value of the use and occupation thereof, shall be ascertained by three sworn experts, one to be named by each party, and the third by the Court before which such suit may have been instituted, and if either party refuse or neglect to name an *expert*, the Court shall name one on his behalf. 5

On demand for expertise no special conclusions need be taken in respect thereof

3. It shall not be necessary in order to the sufficiency, in point of form, of any such demand for *expertise* under this Act, that the party making it should take any special conclusions in respect thereof, or should make any more special averment than that he is a settler entitled to an *expertise* under this Act, and demands the same. 10

Experts to decide according to equity.

4. Such *experts* shall, in all cases, decide according to equity and good conscience, and shall be bound by no merely technical rules of procedure: and their award, or the award of any two of them who may agree, being otherwise sufficient, shall be summarily homologated by such Court without regard to any considerations of form whatsoever; Provided always, that it shall be competent to the Court summarily to examine such *experts* or any of them touching their proceedings, or any other matter at all pertinent to the subject of such award, and if the Court be of opinion, by reason of such examination, that justice is not done by such award, the same may be reformed by the Court in its discretion. 15 20

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Proprietors may pay the value of the improvements or receive the value of the land without them

5. Upon such homologation or reformation, as the case may be, of such award, it shall be optional with the proprietor, either to take a judgment of the Court declaring the land to be the property of the settler, charged—by privilege of *bailleur de fonds*—with payment of such value of the said lands irrespectively of such improvements, as being the price thereof, payable in not less than two nor more than five equal yearly instalments, as the Court may ordain, and bearing interest until paid, or to take a judgment evicting the settler upon payment or tender to him, within one year after the rendering of such judgment, of the overplus of such increased value given to the said land by such improvements, after deducting the value of the said use and occupation and declaring the said land, in default of such payment or tender within such year, to be the property of such settler, charged—by privilege of *bailleur de fonds*—with payment of such value of the said land irrespectively of such improvements, as being the price thereof, payable in not less than two nor more than five equal yearly instalments, as the Court may ordain, and bearing interest until paid. 25 30 35 40

When only a writ of possession shall be sued out

6. No writ of possession shall be sued out under any such judgment, unless upon proof summarily made to the satisfaction of the Court, of such payment or tender within such year, and of the continued possession of the settler notwithstanding such payment or tender; and in case of full payment not having been made, any balance remaining due to the settler, after deduction of such further costs as may be taxed upon such writ of possession, shall be paid or again tendered to him, at the time of the execution of such writ of possession. 45

The proprietor not to recover certain costs unless he gives notice of the action

7. If in any such suit, the settler being entitled to an *expertise* under this Act, shall demand the same without having contested the title of the proprietor, such proprietor, unless at some time between three and six months before the institution of such suit, he shall have served upon the settler a sufficient written notice of his intention to institute the same 50