

**BILL.**

An Act to amend the "Act to regulate the exercise of certain rights of Lessors and Lessees," in Lower Canada.

**WHEREAS** the Act of the Legislature of Lower Canada, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to regulate the exercise of certain rights of Lessors and Lessees,*" has been found to work badly, and it is necessary to amend it ; Be it therefore enacted, &c.,

Preamble.  
L. C. 3 W. 4.  
c. 1.

That in all cases mentioned in the Act cited in the preamble to this Act, if the amount of the rent or value of the thing required to be done, or of the lease, possession, or other right sought to be recovered or enforced or rescinded, do not exceed *fifty pounds*, the case and all proceedings therein, and matters relative thereto, may be heard, tried and determined before any Judge of the Superior Court, or Circuit Judge, and if such amount or value exceed *fifty pounds*, then by any two or three Judges of the Superior Court sitting together, and (in either case) in term or in vacation ; and of such amount or value the allegation of the plaintiff or of some person acting for him and cognizant of the facts shall be *prima facie* evidence.

By what Judges cases under the said Act, may be heard and determined.

II. And be it enacted, That all writs or process issuing in any such cause, shall run in the name of the Queen, and shall bear the seal of the Court before a Judge or Judges whereof the case is to be heard, and shall be signed by the Prothonotary or Clerk of the Court, and shall be issued by him without any *fiat* or special order, at the instance of any party entitled thereto, and shall not be tested in the name of any person, but the words "in witness whereof, we have caused the seal of our said Court to be hereunto affixed," shall be instead of such *teste* ; and such writ or process may be either in English or in French ; and the said writs shall be directed to any of the Bailiffs of the Superior Court.

Form of writ in such cases.

III. And be it enacted, That the proceedings in any such case shall be summary, and no exception shall be allowed to any petition, declaration, process or paper, unless the Judge or Judges shall be of opinion that the defendant was *bona fide* unable to understand from the same what he was required to pay or do, or to allow to be

Proceedings to be summary: what exception only shall be allowed.