

to such notice may be served upon himself, shall not be entitled to recover against the settler the costs of such suit, as contradistinguished from those arising out of or connected with any *expertise* therein had under this Act.

- 5 VIII. Upon being served with such notice, the settler, at any time within one month thereafter, may serve upon the proprietor a written answer thereto, offering to leave the land upon payment of a specified sum, as being the increased value given thereto by his improvements thereon, or in case of refusal by the proprietor to pay such sum, then
10 upon payment of whatever sum may thereafter may be awarded for such increased value, under this Act, and tendering the name of his *expertise* in the premises.

Answer to notice.

- IX. If within one month after being served with such answer, the proprietor shall pay or in due form tender to the settler the specified
15 sum thereby demanded, and if the settler shall not have left the land within one month from the date of such payment or tender, it shall be competent to the proprietor, by summary petition—whereof the settler shall have had reasonable notice—to the Superior Court in the District wherein the land is situate, to demand a writ of possession for such
20 land.

If proprietor pay the amount demanded the settler may be compelled to quit.

- X. Such writ of possession, upon proof summarily made to the satisfaction of the Court, of such notice and answer, and of the service thereof, and of such payment or tender, and of the continued possession of the settler, shall be forthwith granted with costs—taxed as the Court
25 may order—against the settler, and shall have the same effect and be executed in the same manner as though issued in pursuance of a final judgment rendered by such Court in a suit duly instituted for his ejection from such land; Provided always, that in case the settler shall not have been actually paid the sum so demanded by him, and the
30 amount of such costs shall be less than such sum or than any unpaid remainder thereof, then any balance due to him shall be paid or again tendered to him, at the time of the execution of such writ of possession.

Writ of possession to issue in such case.

- XI. Should the proprietor not see fit to pay or tender the sum by such answer demanded, it shall be competent to him, at any time with-
35 in two months from the service upon him of such answer, by summary petition whereof the settler shall have had reasonable notice) to the Superior Court in the said District, to demand an *expertise* in the premises, under this Act.

Proprietor may demand an *expertise* in certain cases.

- XII. If within one month from the service of such answer, payment
40 or tender of the sum thereby demanded shall not have been made by the proprietor to the settler, it shall be competent to the settler, at any time within the month next following, by the like petition to demand such *expertise*.

Settler may demand *expertise* in certain cases.

- XIII. Upon such demand duly made by either party, such Court
45 shall take cognizance thereof, and shall cause such *expertise* to take place and the award therein made shall be homologated, and judgment thereon shall be rendered,—the whole, to all intents whatsoever, as though a suit had been instituted in ordinary course before such Court, by the Proprietor, for the ejection of the settler from the land in
50 question, and as though the settler, without contesting the title of the Proprietor, had therein demanded an *expertise* under the foregoing provisions of this Act.

Court to order *expertise*.