

BILL.

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.

WHEREAS great inconvenience and expense are often occasioned to proprietors of lands situated in that part of this Province formerly Lower Canada, by persons acquiring the possession thereof without any title thereto and against the will of such proprietors; for remedy thereof be it enacted, &c. Preamble.

That any proprietor or proprietors holding a valid title to any lands or tenements, or both, which are situated within that portion of the Province of Canada heretofore Lower Canada, the possession of which lands or tenements or both shall have been illegally acquired and is detained from such proprietor or proprietors as aforesaid against his or their will, by any person or persons whomsoever, it shall be lawful for any such proprietor or proprietors as aforesaid, by a summons issued from the office of the Clerk of the Circuit Court in any Circuit within the District where such lands or tenements are situated, to summon such occupier or occupiers, or person or persons so acquiring and detaining such illegal possession as aforesaid, before the Circuit Court in such Circuit as aforesaid, or before any Circuit Judge in vacation, or any Judge of the Superior Court in vacation, and that such Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, shall in due course hear, determine and adjudge the matter in issue and award costs: Provided always, that when such defendant or defendants shall plead and produce an adverse title to such lands or tenements or both so claimed as aforesaid, then after evidence shall have been adduced and the *enquête* closed on the part of the plaintiff and defendant, it shall be lawful for either of the contesting parties, after having previously given security for costs, as well in the Court below as in the Superior Court, to inscribe such cause for final hearing and argument for the Superior Court at the next ensuing sitting thereof within the District where such suit is commenced; and upon such security for costs having been entered up, and such inscription of the cause having been made as aforesaid, the Clerk of the Circuit Court where such action is commenced shall

Party holding a valid title to lands detained from him may obtain a summons from the Circuit Court to the party detaining them.

Who may hear the case.

If adverse title be pleaded and security given the case may be evoked to the Superior Court.