

C. D., not regarding the right of the said A. B., but contriving to injure the said A. B. in the premises, and to deprive him of the use and enjoyment of his said lands and premises, and of great gains which he the said A. B. ought, of right, to derive therefrom, heretofore, to wit, on the day of in the year of our Lord entered into and upon the said parcel or tract of land and premises, from thence hitherto hath kept the said A. B. from and out of the possession and use of his said lands and premises, and hath during all 10 the period from his said entry on the said parcel or tract of land and premises, taken and received to his own use the rents, issues and profits thereof. Wherefore the said A. B. saith that he is injured and hath sustained damages to the amount of £ and therefore he brings his 15 suit.

Jury, trying the right of possession, to assess damages also.

V. And be it enacted, That in all cases wherein a jury shall be empannelled to try any suit brought to recover possession of any estate or interest in lands, the jury shall also be sworn to assess any damages to 20 which the plaintiff or plaintiffs may be entitled for the use, occupation or enjoyment of the premises in dispute by the party or parties defending the suit, and any damage, waste or spoil occasioned to such premises by such party or parties; and the jury shall assess such damages as may 25 appear just according to the evidence; Provided always nevertheless, that in all cases where substantial damages are demanded, the party or parties seeking to recover the same shall, with the original summons, serve the defendant or defendants and the person in occupation (if any) 30 with a notice to the following effect, and that none but nominal damages shall be assessed unless such notice shall be given.

Provided: notice to be given where more than nominal damages are sought.

Form of notice.

“ To A. B., the occupant (or claimant) of lot
 “ in the Concession of the Township of 35
 “ in the County of
 “ You are hereby notified that the plaintiff or plaintiffs
 “ named in the summons served herewith, will (*should the*
 “ *said suit be defended,*) proceed against you, the said A.
 “ B., on the trial thereof, for the use, occupation, rents and 40
 “ profits of the premises, for which this action is brought,
 “ during your possession and occupation of the said
 “ premises, and for all damages, waste and injury accruing
 “ to the said premises, or any part thereof, while in your
 “ possession and occupation. 45
 “ Dated at this day of

Occupant may notify that he is ready to give up possession, and tender money for rents, &c.

VI. And be it enacted, That it shall and may be lawful for any person or persons who shall be served with a summons in ejection and the notices required by this Act to be served therewith, within days after the 50 service of such summons and notice or notices, to notify