

from the Court House or other building where the party shall be so summoned to appear, and not less than three days and an additional day for each five leagues which shall be found between the place where such service shall be made and such Court House or other building, 5 shall intervene between such service and return.

Defendant to plead within four days.

II. And be it enacted, That if the person so complained of, Defendant in such cause, shall appear on the day so fixed, he shall be held to plead specially to such declaration or petition (*requête libellée*) (stating the authority under which he assumes to hold or exercise such office or franchise) within four days from the day on which he shall so appear, and the plaintiff shall be allowed three full days to answer or reply to such plea. 10

Plaintiff to adduce evidence within three days.

III. And be it enacted, That within three days from the filing of such answer or replication, the plaintiff shall proceed to adduce evidence in support of the allegations contained in his said declaration or petition (*requête libellée*,) which evidence or such part thereof as may consist of oral or *parole* testimony, shall be taken down in writing either before the said Court, or in the presence of any one of the Justices thereof (whether the proceedings be had in Term time or in Vacation), in the manner in which evidence is now taken in ordinary cases at the *Enquête* Sittings of the Courts of Queen's Bench in Lower Canada, and when the plaintiff shall have declared his evidence (*Enquête*) closed, the defendant shall, after a delay of two days, if any such delay be by him required or asked for, proceed to adduce such evidence as he may offer, and as may be admissible in support of his plea. 15 20 25 30

Plaintiff may adduce evidence in rebuttal of Defendant's evidence.

IV. And be it enacted, That so soon as the defendant shall have declared his *Enquête* closed, the plaintiff may, if allowed by the said Court or the said Justices, adduce evidence in rebuttal, or if he do not adduce any such evidence in rebuttal, it shall be lawful either for such plaintiff or for such defendant to inscribe the cause for hearing on any day he may think proper to fix; of which inscription the opposite party shall have notice one full day at least previous to the day so fixed for such hearing, and the said Court or the said Justices shall after such hearing proceed with the least possible delay to render judgment in the premises; Provided however, that nothing hereinbefore contained shall prevent or be so construed as to prevent the defendant from acknowledging the usurpation complained of by a confession to be taken in the presence of the Court or other said Justices, or either of the parties from demurring specially to the declaration or to the plea or to the answer of his adversary, or from demanding a decision upon any objections as to any deficiency, insufficiency or informality, which he may have been advised to urge against the same or against any of 35 40 45 50

Proviso.