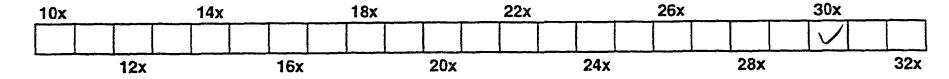
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to provide a legal mode of redress in cases of trespass committed on lands held in common in certain Townships in Lower Canada.

BILL.

An Act to provide a legal mode of redress in cases of Trespass committed on lands held in common in certain Townships in Lower Canada.

THEREAS by an Act passed in the eleventh year Preamble. of Her Majesty's Reign, intituled, "An Act to " facilitate the partition of lands, tenements and heredita-"ments in certain cases in Lower Canada," certain pro-5 visions were made and enacted, for the purpose of cnabling the co-tenants in common seized of lands, tenements and hereditaments in the Townships therein mentioned, to effect a partition of the same; And whereas - divers trespasses have been and continue to be commit-10 ted on the said lands, by felling and removing large quantities of timber of great value from the same, for which trespasses, and for the recovery of the timber removed as aforesaid, no civil legal redress can be obtained by reason of the great number of the said co-tenants in com-15 mon, and the impractibility of uniting them as co-plaintiffs in actions to be brought for obtaining such redress; And whereas it is expedient and necessary, until a partition of the said lands shall be effected, and in the mean time, to protect the rights and interest of the said co-ten-20 ants from and against the lawless depredations aforesaid, and afford them relief in the premises: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, Certainactions That it shall and may be lawful for any one or more of inay be brought by one 25 such co-tenants in the said Townships, or any of them, or more coto institute and maintain, in his or their own name or tenants on benames, for him or them and his or their co-tenants in and others. common, all possessory action and actions of revendication, grounded on trespasses committed or that may here-3) after be committed on the said lands, and the removal of timber and wood from and off the same, without joining with him or them as co-plaintiffs in the said actions, the other co-tenants in common of and in the said lands; and that the action or actions to be instituted by 35 such co-tenant or co-tenants for him or them and his or their co-tenants in common, shall and may be prosecuted with the same effect to all intents and purposes whatsoever, as if such action or actions were brought in the names of all the co-tenants of and in the said lands; any law 40 usage or custom to the contrary notwithstanding.

Sums or things recovered to be for the bonefit of all,

II. Provided always, and be it enacted, That all and every the damages, sum and sums of money, timber, goods and chattels, benefits and advantages, which shall or may be recovered or obtained by such co-tenant or co-tenants as aforesaid, in any such action or actions, to 5 be brought as aforesaid, shall be held to have been recovered and obtained, for the benefit of all the co-tenants in common of and in the said lands, according to their respective shares, rights and interests in the same, to whom the said co-tenant or co-tenants shall be accounta- 10 ble accordingly; And provided also, that judgment shall not be rendered in any such action until after the plaintiff shall have given security to the satisfaction of the court in which such action shall have been instituted that he will duly account to his co-tenants whenever required by 15 them or any of them so to do, for all such sums of money, timber, goods and chattels, benefits and advantages which the plaintiff shall or may recover or obtain under such judgment.

Plaintiff to give security.

Public Act. III. And be it enacted, That this Act shall be a Public 20