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No. 226.

1st Session, 4th Parliament, 16 Victoria, 1852.

B I L L .

**An Act to make more effectual provision
for enforcing the Legal Rights of the
Crown in regard to Public Works.**

Received and read first time, Monday, 8th
November, 1852.

Second Reading, Tuesday, 9th Nov., 1852.

(450 Copies.)

HOB. MR. ATTY. GENL. DRUMMOND.

S. Derbyshire & G. Desbarats, Queen's Printer.

BILL.

An Act to make more effectual provision for enforcing the Legal Rights of the Crown in regard to Public Works.

WHEREAS it is expedient to make more effectual provision, for enforcing the Rights of the Crown in regard to Public Works in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever an action is brought on behalf of the Crown, to recover possession of any immoveable property belonging to Her Majesty in this Province, it shall be lawful for the Court before which such action is brought or any one of the Judges thereof, to order the Sheriff of the District to put such person or persons as may be named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action, and moving or petitioning for such order, in possession of the property designated in such action or in regard of which such action is brought; such property to be held by such person or persons as the guardian (*gardien*) thereof during the pendency of such action.

Order to be made when property belonging to the Crown is illegally detained.

II. And be it enacted, That every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in Term or in Vacation, and shall be granted upon affidavit stating that the property in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

At what time such order may be made.

III. And it shall be the duty of the Sheriff upon receipt of any such Order, to put the person or persons therein named, in possession of the property therein designated, and to adopt all lawful means, and to require the assistance of any force, Military or Civil, for that purpose.

Duty of Sheriff under such order.