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3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

An Act to alter and amend the practice and proceedings in actions of Ejectment, in Upper Canada.

Received and Read a first time, Wednesday, 29th May, 1850.

Second Reading, Wednesday, 5th June, 1850.

MR. BURRITT.

BILL.

An Act to alter and amend the practice and proceedings in actions of Ejectment, in Upper Canada.

THEREAS the present mode of proceeding in Preamble. actions of Ejectment, occasions not only unnecessary delays, but is attended with great inconvenience and useless expense to the parties: And whereas it is expe-5 dient to provide that, in future, all actions of Ejectment and the proceedings therein, may be commenced and conducted to final judgment and execution as hereinafter provided: Be it therefore enacted, &c.

That in future all actions of Ejectment shall and may be Actions of 10 commenced and prosecuted to final judgment and execu- ejectment to becommenced. tion in the several Counties or united Counties of Upper &c. as herein-Canada, in the manner hereinafter provided.

II. And be it enacted, That in every such action of In what place Ejectment, the declaration, pleadings, papers, and all the declara-15 other proceedings therein, shall be filed in the office of the bo fyled. Clerk of the Crown and Pleas, or in the office of the Deputy Clerk of the Crown and Pleas, as the case may be, in the County or United Counties, as may be, in which the lands and premises sought to be recovered are situated.

20 III. And be it enacted, That in future the Lessor or Lessor of Lessors of the Plaintiff or Plaintiffs in any action of Plaintiff to inEjectment, shall, instead of the notice now required to form of Schebe given to the tenant or tenants in possession of the dule on the declaration. premises, indorse upon the declaration to be filed, and 25 upon the copy or copies thereof to be served, a notice in writing, in the form given in the Schedule to this Act;

and the Lessor or Lessors of the Plaintiff or Plaintiffs, In case of no upon filing the declaration and notice and the affidavit of plea, judgment service thereof, with a motion paper for judgment against tered, and writ of postone the casual ejector, may, after the expiration of the time session taken limited in such notice, and no plea having been filed, out; and enter final judgment and sue out a writ of possession from the office of the Clerk of the Crown and Pleas, or his Deputy, as the case may be, in the County or United 35 Counties wherein the proceedings in any such action shall have taken place.

IV. And be it enacted, That upon the Defendant or After consent Defendants entering into the necessary and usual consent form, the case rule, and filing the same, together with his plea, in the may go to 40 office with the declaration, it shall and may be lawful for the proceed-

had at Toron-

ings had been the Lessor or Lessors of the Plaintiff or Plaintiffs, to proced thereon to judgment and execution, in the same manner as if the proceedings were had in the principal office at Toronto.

Local Deputy Clerks to be turnished with Rules, &c. in blunk.

V. And be it enacted, That it shall be the duty of the 5 Clerks of the Crown and of the Common Pleas, from certain Writs, time to time, to furnish their respective Deputies in the several Counties and United Counties of Upper Canada, with all necessary blank consent rules, writs of possession and of fieri facias, in all actions of Ejectment hereafter 10 to be brought, sued or prosecuted, in any of the said several Counties.

SCHEDULE.

To Mr.——[the tenant or tenants (if more than one) in possession of the premises.]

I am informed that you are in possession of or claim title to the premises in this declaration mentioned, or to some part thereof: and I being sued in this action as a casual ejector only, and having no claim or title to the same, do advise you to appear in ---- Term, in Her Majesty's Court of Queen's Bench, (or Common Pleas, (as the case may be) by some Attorney of that Court, by filing your appearance in the office of the Clerk of the Crown, (or of the Clerk of the Common Pleas), at Toronto, in the County of York, (if proceedings are had in that County) or, in the office of the Deputy Clerk of the Crown, (or of the Common Pleas, (as the case may be) at in the County of (or in the United Counties of (as the case may be) and then and there by rule of the same Court to cause yourself to be made Defendant in my stead: And take notice, that unless the person intending to defend, shall, within eight days, inclusive, after the Term next, enter into the customary consent rule, plead to this declaration of Ejectment, file the said consent rule and plea in the office of the Clerk of (where declaration fi'ed) or Deputy Clerk of the County of or of the United Counties of (where declaration filed)-judgment will be signed against the casual ejector by default. Dated this day of A.D. 185

Your's, &c.

RICHARD ROE.