

No. 19.

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

BILL.

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

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

Second Reading, Wednesday, 5th June, 1850.

MR. BURRITT.

PRINTED BY GIBSON, BARRON & CO., ST. JOHN'S, N.S.

BILL.

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

WHEREAS the present mode of proceeding in actions of Ejectment, occasions not only unnecessary delays, but is attended with great inconvenience and useless expense to the parties: And whereas it is expedient 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.

Preamble.

That in future all actions of Ejectment shall and may be commenced and prosecuted to final judgment and execution in the several Counties or united Counties of Upper Canada, in the manner hereinafter provided.

Actions of ejectment to be commenced, &c. as hereinafter provided.

II. And be it enacted, That in every such action of Ejectment, the declaration, pleadings, papers, and all other proceedings therein, shall be filed in the office of the 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.

In what place the declaration, &c. shall be filed.

III. And be it enacted, That in future the Lessor or Lessors of the Plaintiff or Plaintiffs in any action of Ejectment, shall, instead of the notice now required to be given to the tenant or tenants in possession of the premises, indorse upon the declaration to be filed, and 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, upon filing the declaration and notice and the affidavit of service thereof, with a motion paper for judgment against the casual ejector, may, after the expiration of the time limited in such notice, and no plea having been filed, 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 Counties wherein the proceedings in any such action shall have taken place.

Lessor of Plaintiff to insert notice in form of Schedule on the declaration.

In case of no plea, judgment may be entered, and writ of possession taken out; and where.

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

After consent rule in usual form, the case may go to judgment as if the proceed-

ings had been
had at Toron-
to

the Lessor or Lessors of the Plaintiff or Plaintiffs, to proceed 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
furnished with
certain Writs,
Rules, &c. in
blank.

V. And be it enacted, That it shall be the duty of the 5
Clerks of the Crown and of the Common Pleas, from
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 *feri 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 pos-
session 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 next ——— 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 end of _____ 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 filed) 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.