

case of resistance to the execution thereof: 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 the Registers, Muniments, Records, Official Acts and Papers, and other proceedings of the said late Provincial Court, shall immediately after the passing of this Act be transmitted into and make part of the Records, Muniments, and other judicial proceedings of the Circuit Court for the Sherbrooke Circuit, at the Town of Sherbrooke in the District of Saint Francis; and that the judgments of the said late Provincial Court, shall and may be executed as if they were judgments of the said Circuit Court, and the Clerk of the said Circuit Court for the said Sherbrooke Circuit, shall accordingly issue Execution under the said judgments, and ulterior proceedings shall be had thereupon, as if the said judgments were judgments of the said Circuit Court, under the laws now in force.

Records, &c., of the late Provincial Court to be transmitted into the Circuit Court; its judgments made Executory.

II. And be it enacted, That the Judgments of the several Commissioners' Courts in Lower Canada, which have existed under Acts now expired, or which have existed or shall exist under the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to provide for the summary trial of small causes in Lower Canada*, and which have ceased or may hereafter cease to exist, may and shall be executed as if the said judgments had been rendered after the passing of the said Act by the Circuit Court in the same District, and the Clerks of the said Commissioners' Courts shall forthwith deposit the Records of the said Courts in the Commissioners' Court in existence nearest to the place where such Courts have ceased to exist, or if there be no such Commissioners' Court, then in the Circuit Court of the same District, and the Clerks of the said Courts at the places where the Records are or shall be deposited respectively, shall accordingly issue Writs of Execution by virtue of the said judgments, and ulterior proceedings shall be had upon the said judgments, as if the same had been rendered by the Circuit Court, or by any other Court in the same District, by virtue of the laws now in force.

How judgments of Commissioners' Courts which may have ceased to exist, shall be executed 7 V. c. 19,

III. And be it enacted, That every Court of Justice shall have the same powers in case of resistance to its process as regards any sale or other incidental proceeding, as it now has by the laws of Lower Canada, in case of such resistance as regards any seizure.

Powers of Courts in cases of resistance to process.

IV. And be it enacted, That every Judge of any such Court shall have in vacation, at chambers or at his residence, the same powers as the Court whereof he is a Member, in all cases of resistance to its process.

And of any Judge.

V. And be it enacted, That this Act shall apply to Lower Canada only.

Extent of Act.

CAP. XCI.

An Act to increase the number of sittings of the Circuit Court at Richmond and Stanstead.

[30th August, 1851.]

WHEREAS it is expedient, in order to meet the wants of the inhabitants of the District of Saint Francis, and to obviate protracted litigation, that the Circuit Court should be holden at Shipton and Stanstead, in the said District, three times a year instead of twice a year as heretofore: 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

Preamble;

it

'Times at which the Court shall be held at Richmond and Stanstead.

it is hereby enacted by the authority of the same, That the Circuit Court shall hereafter be holden at the Village of Richmond, in the Township of Shipton, in and for the Circuit called the Richmond Circuit, from the tenth to the nineteenth day, inclusively, of the months of January, May and September; and at Stanstead Plain, in the Township of Stanstead, in and for the Circuit called the Stanstead Circuit, from the tenth to the twentieth day of March, from the first to the tenth day of July, and from the fifteenth to the twenty-fourth day of November, inclusively, instead of the times heretofore fixed by law for holding the said Court at the above named places.

CAP. XCII.

An Act to provide a more summary and less expensive process for proprietors of Real Property in Lower Canada to acquire the possession thereof, when illegally detained from them, in certain cases.

[30th August, 1851.]

Preamble.

WHEREAS great inconvenience and expense are often occasioned to proprietors of lands situated in that part of this Province called Lower Canada, by persons acquiring the possession thereof without any title thereto, and against the will of such proprietors; for remedy thereof: Be it 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 any proprietor or proprietors of any lands or tenements, or both, held in free and common soccage in the townships, which are situated within that portion of the Province of Canada called Lower Canada, the possession of which lands or tenements or both shall have been illegally acquired and is detained from such proprietor or proprietors as aforesaid against his or their will, by any person or persons whomsoever, it shall be lawful for any such proprietor or proprietors as aforesaid, by a Summons issued from the office of the Clerk of the Circuit Court in any Circuit within the District where such lands or tenements are situated, to summon such occupier or occupiers, or person or persons so acquiring and detaining such illegal possession as aforesaid, before the Circuit Court in such Circuit as aforesaid, or before any Circuit Judge in vacation, or any Judge of the Superior Court in vacation, and that such Circuit Court, Circuit Judge in vacation, or Judge of the Superior Court in vacation, shall in due course hear, determine and adjudge the matter in issue and award costs: Provided always, that when such defendant or defendants shall plead and produce an adverse title to such lands or tenements, or both, so claimed as aforesaid, then after evidence shall have been adduced and the *enquête* closed on the part of the plaintiff and defendant, it shall be lawful for either of the contesting parties, after having previously given security for costs, as well in the Court below as in the Superior Court, to inscribe such cause for final hearing and argument for the Superior Court, at the next ensuing sitting thereof within the District where such suit is commenced; and upon such security for costs having been entered up, and such inscription of the cause having been made as aforesaid, the Clerk of the Circuit Court where such action is commenced shall forthwith send up the record, and all proceedings and evidence taken and had in such cause duly certified to the said Superior Court, and thereupon the said Superior Court shall hear the arguments in such cause, determine the matter in issue and award costs, in the same manner in all respects as if the said suit or action had been originally instituted in the said Superior Court; Provided also, that unless security for costs as aforesaid shall have been entered up in such suit or action in the Circuit Court where such suit is commenced, within three days after the *enquête* shall have been closed by both contesting parties to such suit, it shall be lawful for either of the contesting

Party holding a valid title to lands detained from him, may obtain a Summons from the Circuit Court to the party detaining them.

Who may hear the case.

If adverse title be pleaded and security given, the case may be evoked to the Superior Court.

But not unless such security be given.