

requiring us, they being present, to receive their advice as to the contents of the *Acte* of declaration aforesaid, and the parties above named having appeared, we have caused to be read the said *Acte* of declaration, the report of the *experts* made before *Mtre.* , Notary, and his colleague, and have taken and received from them the necessary oath, and such oath having been made, they have all unanimously declared that they are of opinion that

(Should there be a division of opinion, mention the same, and give the reasons therefor.)

SCHEDULE E.

PROVINCE OF LOWER CANADA, }
DISTRICT OF }

To the Honorable the Judges of the Superior Court (or the Judge of the Circuit Court,) &c., &c., &c.

A. (*addition and place of residence*) humbly represents, that he has caused the relations and friends to be consulted by *Mtre.* , Notary, at on the day of , and has caused to be fulfilled all the proceedings by law required to be had in order to and submitted for your approval. And he therefore prays that your honors will take these proceedings into consideration and homologate them, if they ought to be so homologated, and you will do justice.

At the one thousand eight hundred

C A P . C C I V .

An Act to repeal the Law *Æde*.

[Assented to 14th June, 1853.]

Preamble.

WHEREAS the Law *Æde*, as adopted from the Roman Law into the Law of Lower Canada, whereby the landlord or proprietor may go into possession of the house leased and evict his tenant therefrom before the expiration of the term of lease, for the purpose of occupying himself the premises, is not consistent with justice or expediency, and ought to be repealed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly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of the same, That so far as respects the right mentioned in the Preamble, the said Law *Æde* be and the same is hereby repealed; and

The Law
Æde repealed

and that henceforward it shall not be competent to any land-lord or proprietor, upon any lease hereafter to be made, to evict his tenant under or by any such Law for the cause aforesaid, unless the said right has been expressly reserved by the lease, and in that case at least one month's previous notice shall be given, unless it be otherwise stipulated in the said lease.

to a certain extent.

C A P . C C V .

An Act to amend the Act fourteenth and fifteenth Victoria chapter ninety-two, relating to the illegal detention of Real Property in Lower Canada.

[Assented to 14th June, 1853.]

WHEREAS it is necessary and expedient to amend an Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *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*, and to make other and further provisions of law touching the same: 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 in any action instituted under the provisions of the Act herein first above cited, before any Circuit Court, Circuit Judge in Vacation, or Judge of the Superior Court in Vacation, it shall and may be lawful for the Defendant or Defendants in any such suit or action, at his or their option and choice, before making defence to such suit or action, to evoke the said suit or action to the Superior Court at its next ensuing Sitting within the District where such suit or action is commenced; and immediately upon the filing of such evocation, by any Defendant or Defendants, and upon security being given as hereinafter provided, the record and proceedings shall forthwith be transmitted to the said Superior Court holden within the District where such suit or action has been so commenced, to be by the said Superior Court heard, tried and determined according to the course and practice of the said Superior Court.

Preamble.
14 & 15 V.
c. 92.

Defendant in any case under the said Act may, before defence, evoke such case to the Superior Court.

Transmission of Record, &c.

II. And be it enacted, That in any such case of evocation of any suit or action, the Defendant or Defendants filing such evocation shall be held, within eight days from the filing thereof, to give good and sufficient security for the costs to be incurred by the Plaintiff or Plaintiffs in conducting such suit or action to final Judgment; and a recognizance duly entered into by two sureties, each of whom shall be a proprietor of real property

Security to be given for costs.