

any persons or person other than Her Majesty, Her heirs or successors, such information shall be preferred by the owner or owners of such lands, or by some person or persons who, as general or special agent, attorney, trustee, or otherwise, may be authorized to represent and to act for, and on the behalf of, such owner or owners, or by some person or persons who may be authorized by the Supreme Court of Justice in such colony to prefer such information.

And it is further ordered, that every stipendiary justice before whom any such information shall be preferred, shall issue his summons for the appearance before him, of the party or parties alleged to have so illegally entered upon, or taken possession of, such land; and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information, and shall proceed in a summary way in the presence of the parties, or, in case of the wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information; and in case on the hearing thereof, it shall be made to appear by sufficient evidence to the satisfaction of such justice, that the party or parties against whom the same shall have been laid, hath or have entered upon, or taken possession of, the land mentioned or referred to in such information, without any probable claim or pretence of title, then such justice is hereby authorized and required to make an order, directing such party or parties to deliver up to Her Majesty, Her heirs or successors, or other the owner or owners of such lands, or person preferring the information, as the case may be, to be named in such order, peaceable possession of such lands, together with all crops growing thereon, and all buildings, and other immoveable property upon, and affixed to, the said lands; and in case the party or parties against whom any such order shall have been made, shall not, within a fortnight after service thereof, deliver up possession of the said lands and premises, pursuant to the said order, then, and in such case, it shall be lawful for such justice to adjudge such party or parties to be imprisoned, with or without hard labour, for any time not exceeding fourteen days, and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, Her heirs or successors, or other the body politic or corporate, or person or persons whom such justices may have found to be entitled to the possession thereof, and who shall be

named in such further order; and the Governor of the colony in which such lands are situate, shall thereupon cause possession thereof to be delivered to Her Majesty, Her heirs or successors, or to such other body politic or corporate, or person or persons accordingly.

Provided always, and it is further ordered, that no such order for the delivery up of possession of any such lands shall be made by any such justice as aforesaid; if it shall appear to such justice that the party or parties against whom any such order is sought, hath or have been by himself, or themselves, or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information, for one year next before the date thereof, or that such party or parties hath or have any probable claim or pretence of lawful title to such lands, or to the occupation thereof.

And it is further ordered, that for the purpose of any such order to be made by any such justice as aforesaid, the adjudication of such justice shall be conclusive as to the title of the person to whom delivery of the said lands and premises may be directed to be made, but nothing herein contained shall extend to take away or abridge the jurisdiction by law vested in the superior courts of civil justice of the said colonies respectively, in taking cognizance of, and adjudicating upon, titles to land; and any person against whom any such order as aforesaid may have been made, may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands in case he shall be able to establish a title thereto; and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises; and in like manner, in case of the dismissal of any such information, the party having preferred the same, may proceed before the ordinary tribunals as if no such information had been preferred.

Provided always, that in case any such information shall be dismissed, it shall be lawful for the said justice, if he shall think fit, to order the person by whom the same may have been preferred, whether such information may have been preferred by the Surveyor-General or by any other person, to pay to the party or parties against whom the same may have been preferred, such sum as the said justice may consider to be the amount of costs fairly incurred