

on Lands, Private Property, and Lumber,' his executors, administrators, or assigns, shall be deemed to be in possession of the land described in any such Licence, during the continuance thereof, and may maintain an action of trespass, trover, or replevin, against any person cutting or carrying away any trees, timber, or lumber from such land.

2. That Licences to cut timber on Crown Lands may be assignable, by writing signed by the Licencee, his executors or administrators; and the assignee, his executors, administrators, and assigns, shall have the same rights and remedies in all respects as the Licencee could have had if the licence had not been assigned; and such assignee shall, within a reasonable time, give notice of such assignment, with the date thereof, to the Surveyor General.

CAP. XXIV.

An Act relating to the recovery of Damages against the Commissioners of the European and North American Railway, in certain cases.

Section.

1. Commissioners of European and North American Railway incorporated.
2. Actions for damages maintainable against the Corporation.
3. Form of action; abatement.
4. Costs.

Section.

5. Judgment for Plaintiff, how payable.
6. When actions to be commenced.
7. Act not to give right of action for entry on lands, or contracts.
8. Notice before issue of summons.

Passed 13th April 1859.

WHEREAS it is expedient for public protection, that persons sustaining injury through the negligence or default of the Commissioners of the European and North American Railway, or their agents, officers, or servants, should have a remedy by Law to recover damages for the same;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the Commissioners for the construction and management of the European and North American Rail Road, now appointed by virtue of an Act made and passed in the nineteenth year of the Reign of Her present Majesty, intituled *An Act to authorize the construction of Railways in this Province*, or hereafter to be appointed by the authority of the said Act, or of any Act of the General Assembly of this Province made or hereafter to be made in amendment of or in addition to the

same, shall be deemed a body corporate for the purpose of this Act, by the name of 'The Commissioners of the European and North American Railway.'

2. Any person sustaining injury or damage, either to his property or person, through the negligence or default of such Commissioners, or any of them, or of any agent, officer, or servant under the direction and control of such Commissioners, whether appointed by the said Commissioners or by the Governor in Council, in any act, matter, or thing connected with the European and North American Railway, may maintain an action at Law, and recover damages in respect thereof, and proceed to final judgment against the said Commissioners, by the name of 'The Commissioners of the European and North American Railway;' such action, nevertheless, to be instituted in Her Majesty's Supreme Court of Judicature in this Province, and conducted and governed by the rules and practice of the said Supreme Court, and by the Laws of this Province, in like manner as in cases between party and party, except as hereinafter excepted.

3. All actions shall be commenced and prosecuted by summons, in like form as may now be used in actions against Corporations, *mutatis mutandi*: and no such action shall abate or be suspended by any change of the persons, or any of them, filling the office of Commissioners of the European and North American Railway.

4. In all such actions, if the plaintiff or plaintiffs shall suffer judgment of *non pros.* or nonsuit, or if a verdict shall pass against him or them, the Commissioners of the European and North American Railway shall recover their costs, and have execution for the same as in ordinary cases.

5. If judgment shall be rendered for the plaintiff or plaintiffs in any such action against the said Commissioners, the amount of such judgment shall be paid to the party or parties entitled to the same, or their legal representatives, by Warrant on the Provincial Treasurer, under the hand and seal of His Excellency the Lieutenant Governor in Council, who is hereby authorized to issue the same.

6. All actions to be instituted under the authority of this Act, shall be commenced within six calendar months after the cause of action shall have accrued, and not after.

7. Nothing in this Act contained shall extend to give any right of action against the said Commissioners of Railways, for any entry upon lands, or act done under the authority of an Act made and passed in the nineteenth year of Her Majesty's Reign, intituled *An Act relating to Lands required for Railway purposes*; or to give parties having entered into contracts, or who may hereafter enter into contracts with the said Commissioners for the construction of said Railway or any part thereof, or for the supply of materials or repairs connected therewith, a right of action on such contracts against the said Commissioners.

8. No summons shall issue in any action to be instituted under the authority of this Act, until a notice in writing shall be delivered to some one of the Commissioners one month before the suing out of such summons, containing a statement of the cause of action; within which month the said Commissioners may tender amends, and if on the trial such tender shall be found sufficient, and the same be pleaded, or notice of the same given, and the amount lodged in Court, a verdict shall pass against the plaintiff.

CAP. XXV.

An Act relating to Intestate Estates and the Practice of Probate Courts.

Section.

1. Meaning of 'Estate' in 21 V. c. 26.

Section.

2. Notice, &c. in sec. 35, cap. 136, Rev. Stat. to be in form as in sec. 29.

Passed 13th April 1859.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That the word 'Estate' used in the Act intituled *An Act to amend the Act relating to Intestate Estates*, passed in the twenty first year of the Reign of Queen Victoria, shall be construed to mean real estate only.

2. The notice required to be given in and by Section thirty five, of Chapter 136, Title XXXVI, of the Revised Statutes, is hereby declared to be by citation in the same form, and the publication or service thereof in the same manner, as specified in and by Section twenty nine of the Chapter last aforesaid.