

Proviso—  
Copy of petition to be served on parties owing.

provided, as may be payable by such party: Provided it shall appear that a copy of such petition has been served either in person or by leaving the same at the usual place of abode of the person or persons from whom such costs, charges and expenses are sought to be recovered, together with a written notice that on a day to be hereinafter mentioned, at least eight days after the service of such notice, the Court will be moved or the Judge will be applied to, to proceed on the petition in the manner provided by this Act.

Parties owing may plead, and other proceedings to be had thereon.

II. Provided always, and be it enacted, that when the facts alledged in any petition to be filed as aforesaid under the provisions of this Act shall be controverted by any of the parties against whom it shall have been preferred, the answer or objection to the petition shall be made in writing in the form of a plea, to which the petitioner or petitioners may reply or demur, to the end that the matter in dispute may be reduced to an issue in law or fact, and receive a determination by the Court or by a Jury in the manner other issues are determined, and such issue shall be so determined accordingly.

Court or Judge may settle costs.

III. And be it enacted, that the Court or Judge before whom any such petition shall be decided and adjudicated upon, may in his discretion grant or refuse the costs on the application, and if he shall grant the same he shall tax the costs and expenses on the proceedings consequent thereupon, and the portion thereof to be paid by each party, and if the same be not paid shall issue execution therefor against the goods and chattels of the party or parties against whom the decision or adjudication shall be given, and who shall not have paid such costs or the proportion thereof for which they shall be liable.

### CAP. XXXVI.

## An Act to prevent obstructions in Rivers and Rivulets, in Upper Canada.

[9th December, 1843.]

Preamble.

**W**HEREAS great inconvenience is occasioned by persons throwing Slabs, Bark, Waste Stuff, and other refuse of Saw Mills, Stumps and Waste Timber or leached ashes into the Rivers and Rivulets in Upper Canada, and it is expedient to prevent the said practice; 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*

*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 person who shall throw into any River, Rivulet or Watercourse, or any owner or occupier of a Mill who shall suffer or permit to be thrown in that part of this Province heretofore known as Upper Canada, any Slabs, Bark, Waste Stuff, or other refuse of any Saw Mill, (except Saw dust), or any Stumps, Roots or Waste Timber or leached ashes, and shall allow the same to remain in such River, Rivulet or Watercourse, shall thereby incur a penalty not exceeding five pounds, currency, and not less than one shilling, currency, for each day during which such obstruction shall remain therein, over and above all damages which may arise therefrom; and that such penalty and damages shall and may be respectively recovered with costs, in a summary way, before any one or more Justices of the Peace, in the manner provided by an Act passed in the fourth and fifth years of Her Majesty's reign, chapter twenty six, intituled, *An Act for consolidating and amending the laws in this Province relative to malicious injuries to property.**

Penalty on persons throwing certain things into Rivers and Rivulets.

Penalty and damages how recovered.

II. Provided always, and be it enacted, that in no such case shall the amount levied exceed five pounds, currency, and costs; and that any party who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the Court of General Quarter Sessions of the District, in the manner and under the conditions and provisions of the Act last above cited, with regard to appeals from convictions and decisions under that Act.

Penalty imposed not to exceed a certain sum.

Appeal given.

III. And be it enacted, that of all pecuniary penalties levied under this Act, one third shall go to the informer, and the other two thirds to the Township in which the offence shall have been committed, and shall be expended in improving the Public Highways therein, and in case of damages to private property arising out of a violation of this Act, the assessed damages shall be paid to the party aggrieved, except in cases where the party shall have been examined in proof of the offence in which case the same shall be applied to the improvement of the public highways in the Township as above provided, any law to the contrary notwithstanding.

Appropriation of penalties.

Assessed damages, how to be applied.

IV. And be it enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of injury done, or which shall be imposed as a penalty, together with the costs, shall not be paid at the time stated in the conviction, or appealed from, it shall be lawful for the convicting Justice to issue his warrant of distress, and in case there shall not be sufficient goods and chattels found to satisfy the same, to commit the offender to the common gaol of the respective County or District, until the fine or damages (as the case may be) and costs, be paid, not however, exceeding thirty days.

Damages if not paid, the party injuring to be imprisoned.

V.

Duration of  
this Act.

V. And be it enacted, that this Act shall be and remain in force for the full term of four years from the passing thereof, and from thence until the end of the then next Session of the Provincial Parliament, and no longer.

C A P. XXXVII.

An Act to explain an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled, *An Act to confirm and regulate certain sales of lands, for taxes, in the Ottawa District.*

[9th December, 1843.]

Preamble

**W**HEREAS doubts have arisen as to the true construction and meaning of an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled, *An Act to confirm and regulate certain sales of land, for taxes, in the District of Ottawa*; And whereas it is necessary that the meaning and intent of the said recited Act should be declared; 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, 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 estate and title to all the lands sold by the Sheriff of the Ottawa District, on which the taxes due thereon previous to the sale thereof, with twenty per cent., were paid or tendered to the Treasurer of the said District, within two years from the date of the advertisement of the said lands by the said Sheriff, pursuant to the said recited Act, is and shall be in the person or persons in whom the same was at the time of the said sale, or in his or her heirs: Provided always, nevertheless, that in all cases where the said taxes, with twenty per cent. as aforesaid, were only tendered to the said Treasurer, and not received by him, the amount due on the said lands, up to the time of the said sale, with twenty per cent. shall be paid to the said Treasurer within six months after the passing of this Act.

The estate  
in lands, on  
which the tax-  
es were ten-  
dered within a  
certain time,  
shall be in the  
parties in  
whom it was  
at the time of  
the sale.

Preamble.

C A P.