

specially pleaded, and shall have the same effect, and such proceedings shall be had thereafter, as in ordinary cases of payment of money into Court.

VII. And be it enacted, That if in any such action or suit, judgment shall be rendered in favor of such Justice, officer or other person acting as aforesaid, either on demurrer, verdict, non-suit, or *non-pros*, or otherwise, or the plaintiff shall discontinue his suit, the defendant shall be entitled to and recover against the plaintiff all his costs, as between attorney and client, but no double or treble costs shall in any case be taxed or allowed against the plaintiff.

What costs the defendant shall recover if successful.

VIII. And be it enacted, That no such action or suit shall be brought against any Justice, officer or other person acting as aforesaid, for any thing done by him in the performance of his public duty, as aforesaid, unless commenced within six calendar months after the act committed.

Limitation of action against Magistrates, &c.

IX. And be it enacted, That the privileges and protection given by this Act, shall be given to such Justice, officer or other person acting as aforesaid, only, and to no other person or persons whatever, and any such Justice, officer and other person acting as aforesaid, shall be entitled to such protection and privileges in all such cases as he shall act *bonâ fide* in the execution of his duty, although in such act done, he shall have exceeded his powers or jurisdiction, and have acted clearly contrary to law.

Privileges to extend to the Magistrate, &c., only: and in what cases to him.

C A P . L V .

An Act to continue for a limited time an Act intituled, *An Act to encourage the establishment of and regulate Savings Banks in this Province.*

[30th August, 1851.]

WHEREAS in and by an Act of the Parliament of this Province passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to encourage the establishment of and regulate Savings Banks in this Province*, it is amongst other things enacted That the said Act should continue and remain in force during ten years from and after the passing thereof, and from thence until the end of the then next ensuing Session of the Legislature, and no longer; And whereas it is expedient that the said Act should be further continued for a limited time: 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 much of the said Act as limits the duration thereof as aforesaid, shall be, and the same is hereby repealed; and that the said Act shall continue and remain in force during five years from and after the passing of this Act, and from thence until the end of the then next ensuing Session of the Legislature, and no longer.

Preamble.

4 & 5 Vict. c. 32, cited.

Said Act continued for five years, &c.

C A P . L V I .

An Act to extend the period for payment of Fees on Crown Patents, and for other purposes therein mentioned.

[30th August, 1851.]

WHEREAS by the fifth section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend an Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making Free Grants*, it was declared That all lands upon the grant of which fees are now due, or upon which settlement duties remain to be performed, or the performance to be proved, should be forfeited, unless such fees were paid, and such settlement duty performed, and the performance thereof proved to the satisfaction of

Preamble. 12 Viet. c. 31.

of the Governor in Council, by the thirtieth day of May, eighteen hundred and fifty-one; And whereas there is good reason for believing, that in consequence of the said Act not having obtained sufficient publicity, many persons are in danger of being injuriously affected by the provisions 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 no forfeiture of such lands shall take place in regard to any located lands with reference to which the Governor in Council may not have already taken action with a view to their resumption in consequence of non-occupation and improvement, provided that payment of such fees be made, and also provided that satisfactory proof as respects the performance of settlement duties, and the fulfilment of the conditions which pertained to each location having been made, be furnished to the Commissioner of Crown Lands by the first day of August, which will be in the year of our Lord, eighteen hundred and fifty-two: Provided always, that it shall be lawful for the Governor of this Province, by Proclamation to be published in the *Canada Gazette*, to extend from time, to time as he may think fit, the provisions of this and the subsequent section.

No forfeiture to take place, provided certain conditions are complied with by 1st August, 1852.

Proviso.

Failure to perform such conditions, to cancel the location, &c.

Act not to restore locations mentioned in the list of 4th April, 1839, &c.

Right to obtain a patent declared assignable in certain cases.

Exemption of certain locations.

II. And be it enacted, That from and after the first day of August, one thousand eight hundred and fifty-two, such locations as the fees shall not have been paid upon, and with regard to which there shall be failure of proof of performance of settlement duties and fulfilment of the conditions, as mentioned in the next preceding section, shall cease to exist as locations, and such persons as may be in occupation, or may have improved thereon, shall in no other way receive Patents than as purchasers, upon such terms as the Governor General in Council, or others duly authorized by the Governor General in Council, shall recommend and adjudge.

III. And be it enacted, That nothing contained in the second section of this Act shall be construed to have the effect of restoring or confirming any locations contained in a certain Schedule of unpatented lands published by the Commissioner of Crown Lands, and bearing date the fourth day of April, eighteen hundred and thirty-nine, which were found upon inspection unoccupied and unimproved, and in regard to which the Governor General has not admitted the claims of any persons who have asserted claims thereto, either as original locatees, or as deriving claim from them, but that such lands shall be set apart for sale, and be disposed of as ordinary Crown Lands, except in cases where the Governor in Council may consider applicants equitably entitled to obtain original locations, or they shall prove themselves to be entitled to pre-emption in purchase, or where any lot in such list shall be found not to have been subject to settlement duties.

IV. And be it enacted, That any person whose right to obtain a Patent for lands has been, or hereafter shall have been established by any Commission under and by virtue of the Act passed in the eighth year of Her Majesty's Reign, and commonly known as the "Heir and Devisee Act," may, by an instrument in writing, assign, transfer and convey his right and interest to, or in the land to which he has or shall have established his right as aforesaid, and such assignment, as well as all subsequent assignments, shall or may be registered, agreeably to the provisions of the thirtieth section of the Act passed in the session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the disposal of Public Lands*; and the last Assignee shall be entitled to a Patent upon proving compliance with all the conditions to which the original location was subject.

V. And be it enacted, That nothing contained in the third clause of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, Chapter one hundredth, shall be taken to prevent the issue of Patents for any lands duly located under Certificates of the Adjutant General of Militia under the Honorable Colonel Talbot,

Talbot, under the Land Boards instituted in the year one thousand eight hundred and nineteen, and under the Military Settling Department, but that the parties so located or their Assignees, Devisees or Heirs, shall receive Patents, without it becoming necessary that their locations shall be confirmed by Order in Council, upon proof being furnished to the Department of the Commissioner of Crown Lands, in the form required by this Act, that the conditions, which attach to such locations, have been complied with and upon payment of the Patent fees on such locations, as such Fees are chargeable thereupon; excepting such cases only as, with respect thereto, there may be conflicting claims, and such conflicting claims shall be decided upon by the Governor General in Council.

C A P. L V I I.

An Act to remove doubt as to Municipal Corporate Bodies acquiring Public Works without the limits of such Municipalities.

[30th August, 1851.]

WHEREAS in and by an Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act for the better management of the Public Debt, Accounts, Revenue and Property*, it is provided, That it shall be lawful for the Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other local Corporations or authorities, for the transfer to them of any of the Public Roads, Harbours, Bridges, or Public Buildings, which it may be found more convenient to place under the management of such District or Municipal Council, or other local authority; And whereas it is doubtful whether, under the provisions of the said Act, any District or Municipal Council, or local Corporation or authority, could acquire any such Public Roads, Harbours, Bridges or Public Buildings situate beyond and without the limits of such District or Municipal Council, or other local Corporation or authority; And whereas it is expedient to remove such doubt: 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 it shall and may be lawful to and for any Municipal Corporation, or other local corporate body or authority, to contract for, purchase, acquire and hold any such Public Roads, Harbours, Bridges or Public Buildings, which, in and by the said recited Act, could lawfully be disposed of, whether the same be situate within the limits of such Municipal Corporation, or other corporate body or authority, or otherwise; any thing in the said recited Act to the contrary notwithstanding.

II. And be it enacted, That if any person or persons shall cut, break down or destroy in any other way any of the Gates or Toll-houses erected on any road whereon Tolls may lawfully be taken, every such person so offending, and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall place or remove any earth, stone or timber on any such road, to the damage of the same, or shall forcibly pass or attempt to pass any of the gates without having first paid the legal Toll at such Gate, such person or persons shall pay all damage by him or them committed, and shall forfeit and pay a fine of not more than Five Pounds, nor less than Ten Shillings, to be recovered before any Justice of the Peace of the County or United Counties, or Mayor or Chief Officer of any City, Town or incorporated Village in which such Toll Gate is situate.

III. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants to be issued for that purpose by such Justice as aforesaid, or any other Justice of such County or United Counties, or

Preamble.

12 Vict. c. 5, cited.

Corporations empowered to acquire public roads, &c., beyond limits.

Penalty for damages to the road.

Fines, &c., how levied.