

Settler in certain cases to recover costs not being costs of expertise.

14. If in any such suit, the settler being entitled to an *expertise* under this Act, shall demand the same without having contested the title of the proprietor, and shall cause it to appear to the satisfaction of the Court that such suit was instituted, either within the month hereinbefore allowed for the service of his answer to such notice, or after due service of an answer by him offering to leave the land upon payment of an amount which shall not appear to the Court to be unreasonable, and without default made upon his part to abide by and carry out in good faith such offer,—it shall be competent to the Court, by its judgment, to order that the settler do recover against the proprietor the costs of such suit as contradistinguished from those arising out of or connected with any *expertise* therein had under this Act. 5 10

Costs of expertise.

15. All costs arising out of or connected with any *expertise* had under this Act, shall be equally borne by the parties thereto, unless the Court, from any special consideration of equity, shall adjudge otherwise; and the Court shall have full power and authority to tax such costs as it may see fit. 15

Forms of notice and answer. Service thereof.

16. Any notice or answer to be served under the seventh and eighth sections respectively of this Act, may be in the form of the Schedules A. and B. respectively to this Act appended, or in any other equivalent form, and may be served by the leaving of a true and certified copy thereof, either personally with the party or at the domicile—real or elected—of such party, by any Bailiff or other literate person not disqualified to attest such service; Provided always, that in case of such service being made by any person other than a Bailiff, the same be attested by such person under oath; And provided also, that no defect of form in the return or affidavit of such service shall avail to set aside the same, if it be shown—as at any time thereafter it may be—by further examination of the party making such service, or otherwise, that the same was in fact duly made. 20 25 30

Proof of notice, &c.

17. No express proof of the signature or handwriting of any such notice shall in any case be required; but it shall be enough, if (upon contestation thereof it shall appear to the Court to have been authorized by the party; and until denied by the party, such authorisation shall always be presumed. 30 35

Punishment of persons fying notice or answer without authority.

18. Should it at any time appear to the Court upon such contestation, that any person not having been thereto duly authorised has served, or caused or procured to be served, or (after service) has fyled, or caused or procured to be fyled before such Court, any such notice or answer, or has aided in any wise in respect of such unauthorised service or fying, it shall be competent to the Court, (after notice and reasonable opportunity for defence, given to such person,) summarily and even without any special demand to that end by the interested party, to condemn such person to pay to such party his reasonable costs and damages thereby occasioned, taxed at such amount as to the said Court may seem meet: Provided always, that no such summary condemnation shall lessen, prevent, or impeach any other or future civil remedy of such party, in any case wherein such person may have acted with malicious intent or any criminal proceedings against such person in any case wherein he may have so acted as to be guilty of any misdemeanor or felony in the premises. 40 45 50

Proviso.

Proceedings for expertise may be in vacation.

19. All proceedings for or in respect of any *expertise* under this Act may be had, and all orders and judgments thereto relating may be made and rendered, as well in vacation as in term; and in case of ab-