

in the margin of the declaration, or (when such Plaintiff shall sue in the County or Division Court) within the County or United Counties for which such Court is holden, then and in every such case such Plaintiff shall be nonsuit, or the Jury shall give a verdict for the Defendant.

Damages limited in certain cases.

XII. And be it enacted, That in all cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or payment of any penalty or sum of money under any Conviction or Order as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty or sum so levied or paid, or any sum beyond the sum of two pence as damages for such imprisonment, or any costs of suit whatsoever, if it shall be proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay.

What costs shall be allowed to either party.

XIII. And be it enacted, That if the Plaintiff in any such Action shall recover a verdict, or the Defendant shall allow judgment to pass against him by default, such Plaintiff shall be entitled to costs in such manner as if this Act had not been passed ; or if in such case it be stated in the declaration, or in the Summons and particulars in the Division Court if he sue in that Court, that the act complained of was done maliciously and without reasonable and probable cause, the Plaintiff, if he recover a verdict for any damages, or if the Defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit, to be taxed as between Attorney and Client ; and in every action against a Justice of the Peace for any thing done by him in the execution of his Office, the Defendant, if he obtain judgment upon verdict or otherwise, shall in all cases be entitled to his full costs in that behalf, to be taxed as between Attorney and Client.

Commencement of this Act.

XIV. And be it enacted, That this Act shall commence and take effect on the first day of July, in the year of our Lord one thousand eight hundred and fifty-three.

Inconsistent enactments repealed.

XV. And be it enacted, That from and after the time this Act shall so commence and take effect as aforesaid, the following Statutes so far as relates to Actions against Justices of the Peace shall be and shall be deemed and taken to be repealed in so far as regards Upper Canada, that is to say : so much of