

Settlers, in certain cases to recover costs, not being costs of *expertise*.

XIII. If in any suit instituted after the passing of this Act, for the ejectment of any settler, such 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 5 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 on his part to abide by and carry out in good faith such offer,—it shall be competent to the Court, by its 10 judgment, to order that the settler do recover against the proprietor the costs of such suit, as contra-distinguished from those arising out of or connected with any *expertise* therein had under this Act.

Costs of *expertise* to be divided unless otherwise ordered.

XIV. 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.

Forms of notice and answer, and how to be served.

XV. Any notice or answer to be served under the sixth and seventh sections respectively of this Act, may be in the form of the Schedules 20 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 25 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 30 same was in fact duly made.

As to proof of notice and answer.

XVI. No express proof of the signature or hand-writing of any such notice or answer shall, in any case be required, but it shall be enough, if (upon contestation thereof) it shall appear to the Court to have been authorised by the party; and until denied by the party, 35 such authorisation shall always be presumed.

Punishment of persons fying notice or answer without authority.

XVII. 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 40 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 45 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 further civil remedy of such party, in any case wherein such person may have acted with malicious intent,—or any criminal proceeding against such 50 person, in any case wherein he may have so acted as to be guilty of any misdemeanor or felony in the premises.

Proviso: such punishment not to effect civil damages or criminal proceedings.