

No. 109.

2nd Session, 5th Parliament, 19 Victoria, 1856.

(LOCAL BILL)

BILL.

An Act to repeal the Act passed in the last Session, intituled, "*An Act to confirm a Survey of the line between the sixth and seventh Concessions of the Township of Hamilton.*"

Received and read, first time, Wednesday, 26th March, 1856.

Second reading, Monday, 31st March, 1856.

HON. MR. CAMERON.

TORONTO:

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An Act to repeal the Act passed in the last Session, intitled, "*An Act to confirm a Survey of the line between the Sixth and Seventh Concessions of the Township of Hamilton.*"

WHEREAS an Act was passed during the now last Session, which is intitled, "*An Act to confirm a Survey of the line between the sixth and seventh Concessions of the Township of Hamilton,*" and it appears that when the said Act was passed, an action of trespass was pending in the Court of Common Pleas for Upper Ganada, in which one Hugh McCulloch was plaintiff, and Zacheus Burnham was defendant, in which said action, the legality of the survey so intended to be confirmed, was involved: And whereas it is expedient that the said Act should be repealed, and that any judgment, order or proceeding made or taken in or by the said Court, subsequent to and in consequence of the said Act, should be annulled, and that the judgment of the said Court should be given upon the case as it stood before the time of the passing of the said Act, without regard being had thereto; Therefore Her Majesty, &c., enacts as follows:

I. The Act so passed shall be, and the same is hereby repealed; and the judgment of the said Court of Common Pleas in the case of Hugh McCulloch, plaintiff, against Zacheus Burnham, defendant, and all rules, entries and proceedings made or taken thereupon, are hereby annulled and made void; and it shall and may be lawful for the said Court to pronounce its judgment on the said case, upon the law and evidence as elucidated at the trial before the jury, and on the argument of Counsel before the Court, and without regard to the Act so passed as aforesaid.

Preamble.

18 V., c. 172.

The said Act repealed; and judgment to be given in the said case as if it had never been passed.

II. This Act shall be deemed a public Act.

Public Act.