

King's Bench or a Justice of the Peace ; and shall be transmitted to the Officer whose duty it shall be to receive such account within fifteen days next after the expiration of the said periods respectively.

Application of the monies to be accounted for to His Majesty and a detailed account to the Legislature.

V. And be it further enacted by the authority aforesaid, that the due application of the Monies appropriated by this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct, and that a detailed account of the expenditure of all such monies shall be laid before the several branches of the Provincial Legislature, within the first fifteen days of the next Session thereof.

### C A P. XXXI.

An Act to repeal a certain Act therein mentioned, and to provide more effectually for the remedy of divers abuses prejudicial to Agriculture.

[3d April, 1833.]

Preamble.

Act 10th and 11th of His late Majesty, chapter first, repealed,

**W**HEREAS it is expedient to repeal a certain Act passed in the tenth and eleventh years of the Reign of His late Majesty, intituled, " An Act to amend an Act passed in the ninth year of His Majesty's Reign, intituled, " *An Act for the more speedy remedy of divers abuses prejudicial to Agricultural Improvements in this Province,*" and to make further provision to the same effect," and to provide more effectually for the prevention of certain trespasses, abuses and evil practices which prevail in this Province, and retard the progress of Agriculture therein : Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " *An Act for making more effectual provision for the Government of the Province of Quebec, in North America,*" and to make further provision for the Government of the said Province," And it is hereby enacted by the authority of the same, that the said Act passed in the tenth and eleventh years of the Reign of His late Majesty, intituled, " An Act to repeal certain parts of an Act passed in the ninth year of His Majesty's Reign, intituled, " *An Act for the more speedy remedy of divers abuses prejudicial to Agricultural improvements in this Province,*" and to make further provision to the same effect," shall be and is hereby repealed, and that the said Act thereby repealed and intituled, " An Act

“ Act for the more speedy remedy of divers abuses prejudicial to agricultural improvements in this Province,” shall nevertheless be and remain repealed as if this Act had never been passed.

Penalty on persons entering into any closed field or garden, &c. without the permission of the proprietor.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no person shall enter into or pass through any field, whether it be sown or unsown, nor into nor through any garden, coppice or other property whatsoever, without the permission of the proprietor, or of some person duly authorized by him to grant such permission, under a penalty of not less than five shillings, nor more than thirty shillings currency, for every such offence, and over and above the amount of all damages occasioned thereby, and which may be recovered before one Justice of the Peace.

Penalty on persons pulling down any fence and cutting down any tree, &c. without the permission of the proprietor.

III. And be it further enacted by the authority aforesaid, that any person who shall pull down, cut, break, remove or injure any fence or part of any fence, or cut or destroy any hedge which may have been planted as fence, or shall cut, bark, fell or remove any tree, shrub or plant, or fell, cut or remove any tree in the wood of any other person, for the purpose of making shingles, or for any other purpose, or shall therein burn any wood to make potash or sugar, without leave from the proprietor or his representative, every such person shall for every such offence committed in the day time, incur a penalty which shall not be less than five shillings nor more than thirty shillings currency; and shall be double the said sums if the offence be committed in the night time, over and above all damages which may be recovered before one Justice of the Peace, and that every person who shall have taken down or carried away any part of any fence, and who shall be found on any land, highway or bye-road, having in his possession any part of the materials of such fence, may be taken into custody by any proprietor of land in the neighbourhood or by any person in the employ of such proprietor, and carried before the nearest Justice of the Peace, who may commit him for further examination for a time not exceeding twenty-four hours.

Justice of the Peace on complaint authorized to issue his warrant against trespasser.

IV. And be it further enacted by the authority aforesaid, that any Justice of the Peace, upon complaint on oath before him, shall issue his warrant directed to a constable or peace officer for the apprehension of any person charged with such offence, and shall, immediately and summarily hear and determine upon the complaint, and shall within fifteen days cause the penalty to which such persons may be condemned under the foregoing provisions, to be levied of his goods and chattels, and upon non-payment of such penalty within thirty days thereafter, shall commit the offender to the common gaol, until such penalty with the costs of prosecution shall be paid: Provided always, that no person shall remain so committed for a longer time upon any one conviction for the cause aforesaid, than eight days.

Proviso.

Certain fees allowed to the Clerk of the Peace for a Warrant and to the Constable for executing it.

The fees.

V. And whereas it is expedient to ascertain the several fees to be paid to the clerk of such justice of the peace, for such warrant, and to the constable or peace officer of executing the same ; be it therefore enacted by the authority aforesaid, that there shall be allowed to such clerk or person acting as such, for every warrant for such apprehension, one shilling and six pence currency, and to the constable, bailiff or peace officer for the execution thereof, one shilling and three pence currency, and an additional sum of one shilling currency, for every league travelled by him to execute the same, the distance travelled in returning, not being reckoned.

If offender be an alien or squatter, and have no means to pay the penalty or costs, he may be committed to prison.

VI. And be it further enacted by the authority aforesaid, that whenever it shall appear to such Justice of the Peace, by the oath of the prosecutor, or that of one witness, that such offender is a person unknown, or is a squatter, or that he has no real property or other means to secure the payment of such penalty and costs, such Justice of the Peace shall commit him to the common gaol for a time not exceeding thirty nor less than eight days.

In cases of damages by the trespassing of cattle, any person may lay his complaint before a Justice of the Peace.

Proviso.

VII. And be it further enacted by the authority aforesaid, that when any person shall have sustained damage by the trespassing of cattle, poultry or other domestic animal, he may lay his complaint before one of the nearest Justices of the Peace, who bysummons under hand and seal in the form prescribed in the Schedule (A.) hereunto annexed, directed to any bailiff or peace officer shall require the person against whom such summons shall be demanded to appear before him, and such Justice having heard the parties shall refer the matter to two arbitrators, of whom each party shall name one, and who in case of difference of opinion shall name a third, and such arbitrators shall take cognizance of the damage sustained, and report the same in writing to such Justice of the Peace, who shall thereupon allow the prosecutor the amount thereof, with the costs and charges of the view and report, and of prosecution, and in case the defendant should refuse or neglect to pay the same within fifteen days, such Justice of the Peace shall cause the same to be levied by warrant under his hand and seal, observing the usual formalities. Provided always, that the damage have not been occasioned by the bad state of the prosecutor's fence, nor by the want of one, and do not in the whole amount exceed the sum of four pounds three shillings and four pence currency. Provided further, that if the defendant make default or refuse to name his arbitrator, or if the said arbitrators named by the parties do not agree in naming a third, then the Justice of the Peace shall appoint such arbitrator or third arbitrator, and the said arbitrators before proceeding shall make oath before a Justice of the Peace, well and faithfully to examine the matter and make a faithful report to the best of their skill and understanding, and without any partiality or favour.

Justice of the Peace may issue subpoenas, on the application of either party.

VIII. And be it further enacted by the authority aforesaid, that every such Justice of the Peace may, on application of either party, issue subpoena to compel the attendance of witnesses before him or before the arbitrators, and may swear them in the usual manner to give true evidence, and may enforce obedience to every such subpoena, and punish or cause to be punished any disobedience thereto by the usual course of law.

How Registers are to be kept.

Proviso.

IX. And be it further enacted by the authority aforesaid, that registers shall be kept by such Justices of the Peace, of all proceedings hereby authorised respecting damages to be sued for by virtue of this Act, to the end that all persons interested may obtain copies on payment of six pence for every hundred words. Provided always, that every Justice of the Peace, who shall neglect to keep such register, shall incur a penalty of not less than ten shillings nor more than twenty shillings currency, for every case in which the proceedings shall not be so enregistered.

Landholders may secure Cattle trespassing on their lands until penalty is paid.

Proviso.

X. And whereas it is expedient that landholders who take cattle or other live stock trespassing on their property, should have the right of securing and detaining the same until the penalty shall have been paid, without prejudice to the damages which such landlord may recover against the owner or owners of such cattle or live stock: Be it further enacted by the authority aforesaid, that it shall not be lawful for any person whomsoever, at any season of the year, to allow his horses, mules or other animals, to stray or be upon any land not belonging to him, without leave obtained from the proprietor of such land or his representative, nor to allow them to stray or be upon the beaches or along the highways, or other public places: and that whenever any horse, horned cattle, sheep, goat or hog, shall be found at large in any such place the owner of such animal shall in addition to the sum he may be compelled to pay in the manner hereinafter provided for the damages which may be adjudged against him as hereinafter prescribed, incur the penalty of one shilling and three pence currency for every mare or gelding so found, of two shillings currency for every bull so found, of one shilling currency for every ox, cow or calf so found, and of three pence currency, for every sheep or goat so found, and of two shillings currency, for every hog so found; and shall incur double the said penalties respectively for every such animal so found straying a second time by the proprietor of such land, or by his servants or representatives. Provided always, that when any such animal shall be seen straying on the highways, beaches or public places, a surveyor or overseer of highways, or any freeholder or occupant of land of the Parish, Seignior or Township, may seize and detain it until the owner of such animal shall have paid the penalty hereby annexed to the offence. Provided also, that the person who may have seized and detained any such animal shall forthwith give notice to its owner, if known to him, and if not, he shall on the three next ensuing Sundays cause public notice to be given at the door of the Parish Church, after Divine Service in the morning, which notice

notice shall be given in manner, on the third Sunday at the Church doors of the two adjoining parishes, of the seizure and detention of such animal, describing the same, (unless it be sooner claimed by or on behalf of the owner,) and if in the place where such seizure and detention may be made, there be no parish church or building for public worship, sufficient public notice to the effect aforesaid, shall be given at the most public and frequented place in, and according to the custom of the Parish, Seigniorly or Township. Provided also, that when public notice shall have been given in the manner aforesaid, on three Sundays, of the seizure and detention of any horse, ox, cow, hog, or other cattle whatsoever; if the said horse, ox, cow, or other animal, be not claimed, it shall be lawful for the person having the same in his possession, to cause them to be sold on the next ensuing Sunday after the publication of the last notice, by public auction, at the Church door, after Divine Service in the forenoon, or in places where there shall be no Church or building for public worship,) at the most public and frequented place as aforesaid, and the person detaining the same may take from and out of the produce of the sale, (which shall be paid to the Inspector of Roads by the purchaser, who may be sued by the Surveyor, if such payment be not made within eight days after the adjudication,) the reasonable expences of keeping during the time of detention, (which expences shall be estimated by such Surveyor and an Overseer, not related to the person detaining such cattle within the degree prohibited by law, that is to say, within the third degree,) and also the amount of the damages sustained by the person detaining such cattle; and such Surveyor shall retain the remaining part of the produce of such sale in his hands, and shall return the same to the owner of the cattle sold, as soon as he shall be known to such Surveyor who, if the owner shall not become known to him in the course of one year from the day of sale, shall expend the same in improving the public roads and bridges in the Parish.

Manner in which Justice of the Peace is to proceed on a complaint against any person having a vicious horse, &c.

XI. And be it further enacted by the authority aforesaid, that it shall be lawful for any Justice of the Peace, on complaint to him made, that any person keeps on the land belonging to such person, a vicious horse or other vicious cattle being the property of such person, (in which complaint the said horse or other cattle shall be as exactly described as may be, (and that the said horse or other cattle has broken down or overleapt any fence in good repair, or has attacked and pursued any person or, done him or her any mischief, or has gored any other animal, on any land, beach or on the highway, or on the beaches or other public ground, or has done any other harm to such animal, after having heard such complaint in a summary manner, to order the person against whom such complaint shall have been made, to pay the costs which may have been incurred on such complaint according to the provisions of this Act, and that the horse or other animal concerning which such complaint shall have been made, be clogged or fettered so as to prevent

prevent his doing any further mischief, under a penalty of two shillings and six pence currency, to be paid by the owner or person in possession thereof, for every day during which such horse or other animal, concerning which such complaint shall have been made, shall thereafter be allowed to remain unfettered and at large.

Stallions to be kept in a stable and not allowed to go at large.

Penalty.

XII. And be it further enacted by the authority aforesaid, that every person who shall own or keep a stallion of twenty months old or upwards, shall keep such stallion in a stable or other building, and shall not allow him to be at large on the highway, or in any field other than a field enclosed with a good and sufficient fence, not less than seven feet in height, under a penalty not exceeding ten shillings currency, nor less than five shillings currency for every such offence.

Bulls not allowed to go at large.

Penalty.

XIII. And be it further enacted by the authority aforesaid, that every person who shall be the owner of, or who shall keep one or more bulls or boars, and shall allow the same to be at large, or shall allow the same to pasture in any place other than some well fenced field, belonging to or occupied by such person, in any country Parish, Seigniorship or Township, at any time, shall incur a penalty not exceeding ten shillings currency, nor less than five shillings currency for every such offence.

Rams not allowed to go at large.

XIV. And be it further enacted by the authority aforesaid, that every person who shall be the owner of or who shall keep one or more rams or boars, and shall allow the same to be at large, or shall allow the same to pasture in any place other than some well fenced field belonging to or occupied by such person in any country, Parish, Seigniorship, Township or Settlement, at any time whatsoever between the first day of June and the first day of December in every year, shall incur a penalty not exceeding five shillings currency nor less than two shillings and six pence currency for every such offence.

Dogs having bitten any person, how persons that complain, are to proceed.

Proviso.

XV. And be it further enacted by the authority aforesaid, that it shall be the duty of every Justice of the Peace, on complaint to him made, that any dog belonging to or kept by, or being on the land or near the house of any person, has bitten any person, horse, cattle or sheep, or is supposed to be rabid, or has pursued any ridden horse, or any horse harnessed to any carriage on the highway; after having heard such complaint in a summary manner, to condemn the person against whom such complaint shall have been made, to pay the costs incurred on such complaint according to the provisions of this Act, and to order, by a writing under his hand, the owner or keeper of such dog, to keep, or cause the same to be kept shut up for forty days, under a penalty, to be paid by such owner or keeper of such dog, not exceeding two shillings currency for each day that such dog shall be suffered to be at large before the expiration of the said forty days. Provided always, that in all cases wherein it shall be proved before such Justice of the Peace

Peace by one or more witnesses worthy of credit, that the dog, concerning which such complaint shall have been made, is very mischievous both with regard to travellers and ridden or harnessed horses, or is in the habit of pursuing them, and of startling or biting them, then and in such case, such Justice of the Peace may, in the manner herein set forth, order the owner or keeper of such dog, to kill it or cause it to be killed, and condemn such owner or keeper thereof, to pay in addition to the costs above mentioned, a penalty of five shillings currency, for every day such dog shall be allowed to live after the said order.

How to proceed against persons having dogs that pursue cattle.

XVI. And whereas it frequently happens that great mischief is done in the country parishes by dogs which pursue and worry sheep, and whereas it is sometimes very difficult to prove that the mischief has been occasioned by such dogs: Be it therefore further enacted by the authority aforesaid, that it shall be lawful for any person to kill any dog which shall be seen at large in any field the property of such person or his employer, unaccompanied by the master of such dog, or by any person belonging to his family, or in his employ, and chasing or disturbing any sheep the property of such person, or to complain thereof to any Justice of the Peace, who shall on such complaint summon the owner of the dog to appear before him, and shall order him to kill such dog, and shall condemn such owner to pay the costs of such complaint, and such owner shall incur a fine of five shillings currency, for every day during which such dog shall be suffered to live after such order.

How to proceed against persons keeping hogs doing damage.

XVII. And whereas the proprietors or occupants of land under cultivation, or of building lots in the country parishes and villages, frequently suffer great damage from hogs, geese and ducks as well as from turkeys and poultry of all other kinds, belonging to persons other than the said proprietors or occupants: Be it therefore further enacted by the authority aforesaid, that it shall be lawful for every proprietor or occupant of any land or building lot, on which any such damage shall have been done by any hog, geese, ducks, turkeys or other poultry, to seize and keep such hog, geese, ducks, turkeys or other poultry until the owner thereof can be known, and also to made complaint thereof to any Justice of the Peace whomsoever, who shall, on proof thereof by one credible witness, other than the complainant, condemn the owner or keeper of such hogs, geese, ducks, turkeys or other poultry, to pay a penalty not exceeding two shillings and six pence currency, for every hog, and of three pence currency, for every goose, duck, turkey or other fowl, which shall have been found doing such damage.

Penalty.

Persons keeping dogs and pigs without ringing the same subject to a penalty.

XVIII. And be it further enacted by the authority aforesaid, that every person who shall allow any dog or pig to be at large without ringing the same, shall incur a penalty not exceeding ten shillings, nor less than five shillings currency, one moiety whereof shall go to the informer and the other moiety to His Majesty.

XIX.

Pounds may  
be established.

XIX. And whereas the establishment of pounds for the impounding of horses horned cattle, sheep, goats and hogs, which may be found astray, and impounded by private persons or by the public officers herein before mentioned would much facilitate the safe keeping thereof in the Cities, Towns, Villages, Country Parishes and Townships of this Province: Be it therefore further enacted by the authority aforesaid, that it shall be lawful for the Justices of the Peace, in any of their weekly sittings, in either of the Cities of Quebec or Montreal, to authorize the erection or establishment of a pound in any fit and proper place in or near either of the said cities, for the shutting up and impounding therein of all horses, horned cattle, sheep, goats and hogs, found damaging the property of any person, or straying on the beaches, highways or public grounds, and to place such public pounds under the charge and management of any fit person, who shall be responsible for his conduct touching the care and management of the said pounds to the Justices of the Peace in their Weekly Sessions, shall be liable to be dismissed by them, and to have his place filled by another person, from time to time, whenever it may become necessary.

A meeting to  
be called for  
establishing  
the Pound.

XX. And be it further enacted by the authority aforesaid, that three inhabitants of the town of Three Rivers, being freeholders therein, or three inhabitants of the borough of William Henry, being freeholders therein, or three inhabitants of any village in this Province containing more than thirty inhabited houses within the space of fifteen *arpents* in superficies content, being freeholders in such village, may require any Justice of the Peace to call a meeting of the inhabitants of such town or borough or village, being freeholders, for the purpose of considering and determining upon the expediency of erecting and establishing a pound, for the purposes aforesaid, and if at such meeting, (which shall not be held less than six days after public notice shall have been given thereof) it shall be decided by the majority of the persons present at the said meeting, that such pound shall be erected and established, then and in that case the surveyor of highways for the said town, borough or village, may erect and keep such pound or if he shall refuse to do so, the first freeholder who shall be willing to erect the same at his own cost and charge, may do so, and shall have the keeping thereof for the purposes aforesaid.

Three inhabi-  
tants may re-  
quire the sur-  
veyor of high-  
ways to call  
such meeting.

XXI. And be it further enacted by the authority aforesaid, that three inhabitants of any division whatever of any Parish, Seigniorly or Township, being freeholders therein, may require the Surveyor of highways in such division, to call a meeting of the inhabitants thereof, being freeholders therein, after notice thereof as aforesaid, for the purpose of considering and determining whether it be expedient to erect and establish a pound in such division for the purposes aforesaid; and if at such meeting it shall be decided by a majority of the persons present thereat, that such pound shall be erected and established, the same may be erected and kept by the surveyor of highways for such division, or if he shall refuse to do so, by any other person  
who.



who shall be willing and shall offer to erect the same at his proper cost and charge, and when it shall be so erected such person shall have the keeping thereof for the purposes of this Act.

When Pound  
is established,  
animals to be  
impounded.

XXII. And be it further enacted by the authority aforesaid, that when and so soon as any such pound shall have been erected and established as aforesaid, according to the provisions of this Act, all horses, horned cattle, sheep, goats or hogs, found straying on the land of any person or on the beach, highway or public ground within the place for which such pound shall have been erected and established, shall be within twenty-four hours taken to the said pound, by or at the expence of the person who shall have so found them, under a penalty of five shillings currency for every offence, and shall be there impounded, and shall so remain until they shall be reclaimed by the owner thereof, and until the fine incurred and the reasonable expence of feeding the said horses, horned cattle, sheep, goats or hogs, during the time they shall have remained impounded, shall have been paid to the keeper of the pound by the said owners and one-half the said penalty, and the whole of the sum paid for such feeding as aforesaid, shall go to the keeper of the pound, as an indemnification for his expences in erecting the said pound, and the other half of the said fines shall belong to the person or persons who shall have impounded the said horses, or other cattle as aforesaid, any law to the contrary notwithstanding. Provided always, that in case any difficulty shall arise respecting the amount of the expences incurred for the feeding of such horses or other animals so impounded, the said amount shall be ascertained by two arbitrators, one of whom shall be chosen by the keeper of the said pound and the other by the owner of the horses or other animal so impounded, which arbitrator shall, in case of difference of opinion, appoint a third, whose decision shall be final.

Proviso.

Expences of  
the impound-  
ing having  
been paid, a-  
nimals to be  
released.

XXIII. And be it further enacted by the authority aforesaid, that it shall be the duty of every proprietor of a pound, when the fine and the expences incurred as above for the impounding of any horse or horned cattle, or other beast whatsoever, shall be tendered to him, to deliver the animal so impounded to the owner thereof, or to any other person duly authorized on his part, under pain of incurring a penalty not exceeding ten shillings currency, for refusal, and of five shillings a day for every day he shall after wards unjustly detain any such horse, horned cattle, sheep, goat or hog.

Animals im-  
pounded to be  
cried.

XXIV. Provided always, and be it further enacted by the authority aforesaid, that it shall be the duty of every keeper of a Pound in which any horse, horned cattle, sheep, goat or hog, shall have been impounded, to cause it to be cried in the manner hereby provided, at the door of the church of the place where it shall have been taken; or if there shall be in such place no church or building for public worship, then at the most public and frequented place as aforessid.

XXV.

Persons allowing horses, &c. to go at large, subject to damages.

XXV. Provided always, and it further enacted by the authority aforesaid, that that nothing contained in this act shall prevent any person from recovering in due course of law from the owner of the horses, horned cattle, sheep, goats or hogs, geese, ducks, turkeys, or other fowl whatsoever, so allowed to go at large, the amount of the damage he shall prove that he has sustained therefrom.

Freeholders to elect persons to be inspectors of fences and ditches.

XXVI. And whereas it is expedient to provide cheap and summary means of adjusting the difficulties which may arise in the country parishes respecting fences or ditches necessary for the draining of lands, be it therefore further enacted by the authority aforesaid, that it shall be the duty of the freeholders in every division under the charge of any overseer of highways, to meet once in every two years, on the first Sunday in the month of October, or on any other Sunday in the said month, at the door of the church or other place of public worship, immediately after Divine Service in the morning (or in the Townships on any day in the said month, and where there is no such Church or other place of public worship therein, the most public and frequented place in the settlement or neighbourhood for which such meeting shall be held, for the purpose of electing by a majority of votes as many fit and proper persons (being freeholders) as there may be overseer's divisions in the said Parish, Seigniorly or Township, to be inspectors of fences and ditches in each of the said divisions, and the persons so elected shall serve as such inspectors until they be replaced by other elected in the said manner, after the expiration of two years.

Surveyor of roads to preside at the meeting for the election of such inspectors.

XXVII. And be it further enacted by the authority aforesaid, that every such meeting of the inhabitants being freeholders, in every such Parish, Seigniorly or Township, shall be called by a surveyor of roads and bridges therein, who shall preside thereat, and shall give notice, of the said meeting and election, or cause notice to be given, at the Church door immediately after Divine Service in the morning, on two consecutive Sundays of which the Sunday on which the election shall take place shall be one of the hour and place at which the election of such inspector is to take place, and shall require all the inhabitants of such Parish, Seigniorly or Township, being freeholders to attend thereat; and in case there should be no Church within such Parish, Seigniorly or Township then such notice shall be given by posting the same in writing on the most frequented place in the Parish, Seigniorly, or Township, as aforesaid.

Nothing in this Act contained to prevent freeholders who may not have elected inspectors, before the passing of the

XXVIII. Provided always and be it further enacted by the authority aforesaid, that nothing contained in this Act shall be construed to prevent such inhabitants being freeholders in any Parish, Seigniorly or Township as have not yet elected inspectors of fences and ditches, from meeting at any time whatever after the passing of this Act to proceed to the election of inspectors of fences and ditches as aforesaid, in the same manner and with the formalities prescribed for the elections

on

act, to meet  
for such elec-  
tion.

Proviso.

on the first Sunday in October. Provided further, that in case of the death of any inspector of fences and ditches in any division for which he may have been appointed, the Surveyor of highways and bridges shall immediately in the manner prescribed by law, appoint another inspector who shall serve until the expiration of the two years.

Elections  
made before  
the passing of  
Act declared  
legal.

Proviso.

XXIX. And whereas doubts have arisen as to the legality of the election of the inspectors who have been appointed in the several parts of this Province, which doubts might be followed by the most mischievous effects to the inhabitants and persons concerned in the execution of this Act; be it further enacted by the authority aforesaid, that all such elections are, and they are hereby declared to be legal and valid, and that no person shall be troubled on account of any thing heretofore done by him as such inspector, and that the work and labour which may have been ordered to be done and performed by any inspector heretofore elected, have been legally ordered, and shall be executed according to the form and tenor of the *procès verbaux* in which they are set forth, unless such *procès verbaux* be otherwise defective, Provided always, that the inspector of fences and ditches elected under this Act hereby repealed, shall continue to act as such until the first Sunday in the month of October next, after the passing of this Act.

Penalty on  
inspector's re-  
fusal to do  
their duty.

XXX. And be it further enacted by the authority aforesaid, that every person who shall be chosen and elected inspector, in the manner hereinbefore provided, who shall refuse or neglect to enter forthwith on the execution of the functions of his said office, according to the provisions of the Act, shall incur a penalty of two pounds ten shillings currency.

Inspectors to  
take an oath  
for the faithful  
discharge of  
their duty.

XXXI. And be it further enacted by the authority aforesaid, that every person chosen and elected to be an inspector of fences and ditches, shall before entering on the duties of his office, make an oath before some Justice of the Peace, that he will well and faithfully perform the duties of the office of inspector of fences and ditches, to the best of his knowledge, ability and understanding, without fear, favor or affection for any person whatsoever, according to the provisions of this Act, and that he will in all cases decide and determine impartially and to the best of his judgment, and in such manner only as to law and justice shall appertain; which oath any Justice of the Peace is hereby empowered to administer.

Penalty on  
inspectors for  
neglect of  
duty.

XXXII. And be further enacted by the authority aforesaid, that every inspector of fences and ditches, shall for every neglect or refusal to perform any of the duties with which he is hereby charged, when thereunto required, incur a penalty of ten shillings currency, to be sued for and recovered in the manner herein provided.

XXXIII.

Duty of inspectors.

XXXIII. And be it further enacted by the authority aforesaid, that it shall be the duty of every inspector of fences and ditches, when and so often as he shall be thereunto required by any person being proprietor or occupant of more than one-fourth of a superficial arpent of land and residing within his division, to visit and examine the line fences, separating the lands belonging to or occupied by different persons, (giving previous notice of the day and hour when such examination will take place, either personally or by notice left at the residence of the person against whom complaint shall have been made,) and the said inspector of fences and ditches shall determine whether the fence belonging to the person against whom such complaint shall have been made, be sufficient; and if the fence belonging to the said party be declared insufficient, such party shall be ordered to repair the same within a certain time, to be fixed by the said inspector of fences and ditches, which time shall not exceed four days in any case wherein it shall be possible to perform the work required within that time; and in all other cases such inspector shall allow such further delay as he shall think necessary; and if the person whose fence shall have been so declared insufficient shall fail to conform to the order made concerning such fence, such person shall incur a penalty of two shillings and six pence currency, for each and every day such fence shall remain unrepaired after the expiration of the time so fixed. Provided always, that no fence shall be considered as insufficient which shall not be inferior to the fence erected on the same line or boundary, and in a similar position, in the same field or inclosure by the party complaining. And provided also, that it shall be the duty of every such inspector of fences and ditches after the expiration of four days, or of the time which he shall have fixed for the making or repairing of any fence as aforesaid, to cause it to be erected or repaired at the expence of the person who having been adjudged to erect or repair the same, shall have neglected so to do, and to recover the expence thereof by suit before a justice of the peace, with costs, including a just allowance for the time he shall be employed in the execution of his duty.

Proviso.

How inspectors to proceed when the matter relates to fences.

XXXIV. And be it further enacted by the authority aforesaid, that whenever the matter in question shall relate to the erection of a fence where there shall have been none before, or where although there has been a fence, the old fence shall be in such a state that the labour of repairing it shall be equal to that of making a new one, such inspector shall not condemn the party against whom complaint shall have been made unless the party complaining shall prove that the party complained against, was called upon to erect the said fence before the tenth day of January preceding the time at which such complaint shall be made.

Inspectors to examine ditches.

XXXV. And be it further enacted by the authority aforesaid, that it shall be the duty of every such inspector whenever he shall be thereunto required by one or more proprietors or occupants of land to proceed to inspect all ditches opened or be opened on any line separating the lands of one person from those of another

ther, and all other ditches, drains or water courses commonly known as work to be jointly performed, (*travaux mitoyens*) or therewith connected, and to order such work as they shall deem necessary, and shall determine the parties by whom the same shall be performed and kept in repair, as well as the manner in which the same shall be done, and the time within which it shall be completed, as he shall deem it just and conformable to the custom and laws of this Province in that behalf; and every proprietor, or occupant of land as aforesaid, who shall refuse or neglect to make, repair, take care of and keep in order any line ditch or other ditch as aforesaid, according to the order made by such inspector within four days, or within the time fixed by such inspector, (when he shall have thought fit to grant a longer delay,) after a written or verbal notice to such person given, shall incur a penalty of two shillings currency, for every day that such ditch shall remain unmade or unrepaired in the manner aforesaid.

Duty of inspectors, when necessary, to visit all outlets of water.

XXXVI. And be it further enacted by the authority aforesaid, that it shall also be the duty of every such inspector within his division, and so often as he shall be thereunto required, to visit and examine all outlets, water courses and brooks common to several lands or to any number of proprietors or occupants of land, the necessary labour concerning which shall have been regulated by *procès verbal* duly homologated, or by any *procès verbal* heretofore made by any inspector of fences and ditches, or by an agreement made by the parties interested, and to see whether such work has been done conformably to such *procès verbal* or agreement, and to order that the same be done, repaired and kept in order in the manner stated in such *procès verbal* or agreement; and every person refusing or neglecting to conform to, and obey such order, within four days after written or verbal notice to that effect shall have been given to such person, or within the time fixed by the said inspector, shall incur a penalty of two shillings currency for each and every day such work shall thereafter remain unperformed. Provided always, that in all cases provided for by this and by the preceding section, it shall be the duty of every such inspector of fences and ditches after the expiration of the delays therein specified, to cause to be performed the work ordered and remaining undone at the expense of the persons bound to perform such works, and to recover the expenses thereof by suit before a Justice of the Peace with costs and expenses as directed by the thirty-third section.

Proviso.

Duty of inspectors, when necessary to open any outlet.

XXXVII. And be it further enacted by the authority aforesaid, that in all cases when it shall be necessary to open any outlet or water course, or to cleanse any brook common to the lands of several persons, the work connected with which shall not have been apportioned and regulated by any *procès verbal* or agreement, the matter in dispute shall be adjusted on the requisition of one of the parties interested, by two inspectors resident in the parish, seigniorly or township, conversant with such matters and in no wise interested, and residing nearest to the place where such work is to be done, and in case there shall be no such inspector so conversant

or

or not interested in the parish, seigniorship or township, then by two inspectors of the neighbouring parish, seigniorship or township, qualified as aforesaid.

Before inspectors proceed to the execution of their duty, to give public notice of their intention to visit the place and to require all persons interested to attend thereat.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, that before any such inspectors shall proceed to the execution of the duties hereinbefore assigned to them, public notice shall be given by them, either verbally or by advertisement in writing, read at the door of the Church, or other place of public worship, in the parish, seigniorship or township, immediately after divine service in the morning and posted thereon on the two Sundays immediately preceding the day on which they intend to visit the place, requiring all persons interested to take notice of the same, and to attend thereat at the time and place appointed; and in the townships and other places where there shall be no Church or place of public worship, then the said notice shall be given personally or in writing, left at the residence of the parties interested.

After having given the notice aforesaid, inspectors to attend at the place, and after being informed of the matter in dispute, to give their decision.

XXXIX. And be it further enacted by the authority aforesaid, that after having given the notice aforesaid, the said inspectors shall, on the day and at the hour fixed, proceed to the place, and after having become competently acquainted therewith, and after being fully informed of the matter in dispute, shall give their decision, and shall draw up a *procès verbal* of their proceedings, setting forth every thing to be done with respect to such outlet, water course and brooks, for the general advantage of all the parties interested, and apportioning the share of the work to be done by each of the parties interested, and fixing the time at which it shall be done, with such further particulars as they shall judge necessary or expedient concerning the matter, comprising also the expenses incurred as well for the examination of the place as for the advertisements, and for drawing up the *procès verbal*; which *procès verbal* shall be deposited in the office of the nearest Notary, (or in the keeping of the nearest Justice of the Peace, if such *procès verbal* be made in any Township,) and such Notary or Justice of the Peace shall give a certified copy thereof to any of the parties interested therein who shall require it, on payment of the expense of such copy, at the rate of six pence currency for every hundred words.

Owners of lands higher than those of their neighbours, nor bound to make their drains deeper than for draining their own lands. Proviso.

XL. Provided always, and be it further enacted by the authority aforesaid, that the owners of lands which shall be higher than those of their neighbours shall not in any wise be bound or required by any inspector or inspectors to make or assist in making the drains or water courses through their lands, of any greater depth than may be necessary for draining their own lands. Provided further nevertheless that it shall in such cases be lawful for the persons owning any adjacent land or swampy grounds to make use of such drains or water courses as aforesaid, through such higher grounds, and to clear out and deepen the same at their own expence in such manner as to carry off the water from their lands.

Duty of the  
inspectors  
who shall have  
drawn up any  
*procès verbal*.

XLI. Provided always and be it further enacted by the authority aforesaid, that it shall be the duty of all inspectors who shall draw up any *procès verbal* as aforesaid, to select and appoint from among the parties interested, and after having consulted with them, one or more overseers, according to the importance of the work to be done, who shall, after their names shall have been inserted in the said *procès verbal*, carry the same into effect, and see that the work therein ordered to be done, as well with respect to the immediate performance thereof as to the keeping the same in repair in future, be duly performed for the general advantage of the parties interested therein. Provided always that the persons so named as overseers shall not be bound to act as such during more than four successive years,

Proviso.

if they shall consider the office burdensome and wish to be relieved therefrom, in which case, (as in case of death or infirmity, or absence of one or more of such overseers,) or in case one or more of such overseers shall sell his property, the persons interested shall, when thereunto required, by one or more such persons, who shall give notice thereof in the manner herein before set forth respecting the view of the place, meet for the purpose of proceeding to a new election, which shall be made by the majority of the persons interested, then and there present, who shall cause a record thereof to be drawn up, and shall deposit the same in the place where the *procès verbal*, to which it has reference, shall have been deposited. Provided further that it shall be lawful for all persons interested in any *procès verbal* relating to any water course and homologated in any Court of law, or ordered by all the inspectors of fences and ditches or by agreement, to proceed in the manner hereinbefore mentioned, to the election of other overseers in the room of those who may die, be absent, have sold their lands or desire to resign their trust after having served four years.

Proviso.

Inspectors af-  
ter having  
drawn up their  
*procès verbal*  
to have it  
publicly r. ad.

XLII. And be it further enacted by the authority aforesaid, that the inspectors after having drawn up the *procès verbal* as aforesaid, shall have a copy thereof prepared, which they shall cause to be read on the following Sunday after divine service in the forenoon, at the church door or other place of public worship, and when there is none, then at the most central or public place in the Parish, Seigniorship or Township, for which such *procès verbal* shall be made, and immediately after such reading, shall give public notice of the time when such *procès verbal* will be presented for confirmation, and of the name of the Justice of the Peace to whom it will be so presented; and that all persons interested therein may appear before such Justice of the Peace for the purpose of stating their reasons, (if any they have,) why such *procès verbal* should not be confirmed, and a copy of the said *procès verbal*, after it shall have been confirmed, shall be deposited in the keeping of such overseer, to be by him kept as a guide in the direction of the work, and for the information of all persons interested, to whom he shall give communication thereof gratis whensoever they shall require it, and such overseer shall deliver over the said

said *procès verbal* and all records and papers relating to his duties to his successor or successors in office.

Time fixed  
within which  
the work is to  
be done.

XLIII. And whereas it is necessary to fix the time within which the work ordered in any *procès verbal* shall be done : Be it therefore enacted by the authority aforesaid, that the overseer or overseers chosen to superintend the execution thereof, shall give public notice at the door of the Church, or of any place of public worship, on the two Sundays next preceding the day they shall appoint as hereinafter set forth, after divine service in the forenoon, and when there is no place of worship, then at the most public place in the Settlement, Parish, Seigniorship or Township, of the day and hour when they will repair to the spot to cause the work to be begun and performed, whether it is to be done in common, or severally by the persons interested, accordingly as by the *procès verbal* it may have been appointed, and any person interested who shall refuse or neglect to repair to the spot, on the day appointed, and to perform his share of the work within the time appointed by the overseer, shall incur a penalty of two shillings currency for each and every day during which he shall have neglected to do and perform his share of the work ; and when at the expiration of eight days from the time appointed for beginning the work, none of the persons interested shall have done it, the said overseer may cause it to be done, and may recover the expense from the parties in default, by prosecution before any Justice of the Peace, with costs. Provided always, that in cases wherein a work is to be performed in common, the overseer may employ one or more men instead of such of the persons interested as shall have neglected to attend their duty, and to recover from every such offender the amount disbursed in paying the men employed, by prosecution before a Justice of the Peace as aforesaid, with costs.

Proviso.

Indemnifica-  
tion allowed  
to inspectors.

XLIV. And whereas it is just to allow an indemnification to the inspectors for the time they may employ in the execution of the duties hereby assigned them : Be it therefore enacted by the authority aforesaid, that there shall be allowed to every inspector of fences and ditches, employed by virtue of this act, and to every *expert*, and he shall be entitled to recover six pence for every hour he may be so necessarily employed, which shall be paid by the party in default or in the wrong, whether such party be that at whose instance he acted, or be the adverse party in cases of *travaux mitoyens*, (joint labour,) and when he shall have been called on for for a water course, outlet, rivulet, or other stream whatsoever, then the six pence per hour and all the expences incurred for carrying into effect the notices and *procès verbal*, the copy and other expences deemed necessary, shall be paid by all the persons interested in such water course, outlet, rivulet or other stream, and in either case shall be recovered with costs, in a summary manner, before a Justice of the Peace.



When inhabitants of any two or more Parishes are interested in the opening of any water course, the matter in dispute, how to be regulated.

XLV. And be it further enacted by the authority aforesaid, that when the inhabitants of any two or more Parishes, Seigniories or Townships, shall be interested in the opening of any such new outlet or water course, or in the widening of any old outlet or brook, the matter in dispute shall be regulated on the requisition of any person interested therein in each of the said Parishes, Seigniories or Townships, by two inspectors conversant in such matters, and disinterested, in each Parish, Seigniorie or Township, who after having agreed upon the preliminary points of their operation, shall in the manner aforesaid, notify the persons of their respective Parishes, Seigniories or Townships, who are interested in the matter, in order that they may, (if they think fit,) attend at the view of the spot or place, and give the inspectors all the information in their power, towards enabling them to do justice to the persons interested in the *proces verbal*, which they shall draw up after having observed the formalities herein before prescribed, and they shall deposit the said *procès verbal* in the office of the Notary, (and if there be no Notary, then with the Justice of the Peace,) nearest to such outlet, water course or brook, and shall have a copy thereof made for each of the Parishes, Seigniories or Townships interested, which copy shall be deposited in the hands of the overseer or overseers whom they shall have chosen and named as above for conducting and superintending the performing and keeping up of the works. Provided that in all cases of difference of opinion and equal division of votes among such inspectors, upon any point or matter submitted to them as herein before enacted, they shall apply to the inspector nearest the place, and not interested in the matter in dispute, as an umpire, who shall have the casting vote. Provided always, that the overseers chosen and appointed as aforesaid, shall in the execution of their duties, act in the manner herein prescribed, respecting outlets, water courses and brooks, which are common to the inhabitants of one Parish, Seigniorie or Township only.

Proviso.

Majority of persons interested in the performance of the work to be done, each person paying his share.

XLVI. And whereas in certain cases great inconvenience might result from the performing of the work by the persons interested, by reason of their great number and the difficulty of the work: Be it therefore enacted by the authority aforesaid, that on every such occasion the majority of the persons interested, may cause the said work or any part thereof, to be performed by contract, each of them paying his share in money, according to an apportionment to be made by one or more persons conversant in the matter, which apportionment, before it shall go into operation, shall be ratified by one Justice of the Peace after having been read during two successive Sundays, at the door of the Church, or of any place of public worship in the Parishes, Seigniories or Townships concerned, immediately after divine service in the forenoon, each reading and publication being followed by a verbal notice and a handbill posted at the door of the church or other place of worship, making known to the persons interested the day and hour, and the place where such Justice of Peace is to sit to take cognizance of the grounds of opposition, if any, to the ratification of such apportionment.

XLVII.

Inspectors to whom may be referred the settlement of difficulties, to be appointed by the Surveyor or of highways if not interested, and if so, by the overseers.

XLVII. And be it further enacted by the authority aforesaid, that the inspectors to whom shall be referred the settlement of the difficulties which may arise concerning the opening of outlets, water courses and brooks, common to several Parishes, Seigniories or Townships, shall be appointed in each of the said Parishes, Seigniories or Townships interested therein, by the Surveyor of Highways, (if he be not interested therein,) and if he be so, then by the overseer residing nearest to the place where it shall be necessary to open such new outlet, or water course, or to enlarge any such outlet or water-course, and he shall notify the inspectors of their appointment, that they may be enabled to perform the duties hereby assigned them.

Duty of overseers, as to such outlets, water courses, &c.

XLVIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the overseers appointed, with respect to every such outlet, water course or brook, to collect such sums of money as each of the parties interested shall be liable to pay by reason of the said apportionment, with all expences incurred therein, that in case of refusal or negligence on the part of any such person, to compel the payment thereof by suit, before any Justice of the Peace resident in the place, with costs, including an allowance of six pence per hour to the overseer, for the time he shall have lost by reason of the said suit, and the disbursements he may have been obliged to make for the payment of the Clerk, if it shall have been necessary for him to employ one.

Limitation of powers of Inspectors as to any work connected with any outlet.

XLIX. Provided always, and be it further enacted by the authority aforesaid, that the powers hereby given, shall not in any case extend to authorize any inspector to make any change concerning the work connected with any outlet, water course or brook, which shall have been previously regulated by a *procès verbal* made in due course of Law, whether such outlet, water course, or brook, be common to several Parishes, Seigniories or Townships, or only one such place be interested therein, unless two-thirds at least, of the persons interested, shall require him to do so and consent to a departure from the old *procès verbal*.

Parties complaining of the decision of Inspectors, how to proceed.

L. And be it further enacted by the authority aforesaid, that if any of the parties interested, in the decision given or orders made by an inspector or inspectors, by virtue of any of the provisions of this Act, relating to outlets, water courses and brooks, as well such decisions or orders as concern only one Parish, Seigniorie or Township, as those which concern several, shall deem himself aggrieved thereby, and shall be dissatisfied therewith, such party shall within eight days (reckoning from the day on which the *procès verbal* shall have been publicly read aforesaid, at the church door or other place of public worship, or public place, lay his complaint before a Justice of the Peace, neither interested nor related to any one so interested within the degree prohibited by law in such cases, that is to say, within the third degree, and the said Justice shall before the expiration of

of the said term of eight days, summon the inspector or inspectors to appear before him and one other Justice of the Peace residing in the same county, not being interested in the matter in dispute or related to any one so interested within the degree aforesaid, some certain day, and to have with them their *procès verbal*, which as well as the reasons in favor of and against it, by the parties or their witnesses (if any there be) shall be maturely examined by the said Justices, and if it shall appear to them that the requisite formalities have been observed, and that there has been no partiality, or injustice, or negligence in the conduct of the inspectors, then the said *proces verbal* shall be ratified, and shall be executed according to the form and tenor thereof; and if on the contrary it shall appear to the said Justices that there has been partiality or a want of exactness and diligence in examining the place, or that the work has not been equitably apportioned according to the custom of the country, then three experts shall be appointed, one by the Plaintiff or Plaintiffs, another by the Defendant or Defendants, and the third by the said Justices of the Peace, and if either of the parties shall refuse to name an expert, the said Justices shall name one instead of such party; and such *experts*, after being duly sworn before a Justice of the Peace (who is hereby authorized to administer the necessary oath) shall proceed to view the place concerning which the dispute shall have arisen, in the presence of the said inspectors and of the parties interested, (who shall be duly notified by the *expert*, at least eight days before such second view shall take place, by notice given at the door of the Church, or at the most public place in the Parish, Seigniorly or Township, wherein the parties interested reside) and the decision of the majority of the said *experts*, whether it be to confirm or to set aside the decision given by the inspectors, shall be final and conclusive to all intents and purposes whatsoever; and if the said *experts* shall set aside the decision given by the inspectors, or if they shall deem it advisable to change the direction of the water courses concerning which the dispute shall be, then the said experts shall make a fresh *proces verbal* which shall be confirmed by the Justices of the Peace. Provided always, that in every case of such appeal to the decision of *expert*, the inspectors by whom the *proces verbal* appealed from shall have been made, may cause the parties at whose requisition it was made to intervene and defend such *proces verbal*, and to pay the costs attending the same, if it be by the fault of the said parties that it is defective, but if it shall appear that such defect shall have arisen from negligence or partiality of the inspectors, then the said inspectors shall pay the costs thereof.

Proviac.

Manner of  
proceeding for  
the destruc-  
tion of noxi-  
ous weeds.

XL. And whereas the seeds of noxious weeds growing on the land or ground of one proprietor, or upon a common, are frequently driven by the winds, and otherwise conveyed upon the lands and grounds of the adjoining proprietors, where to the injury of such Proprietors and their discouragement with respect to agricultural improvements, they grow: Be it further enacted by the authority aforesaid, that it shall be lawful for any proprietor or occupier of land,

land, at any time between the twentieth day of June, and the first day of the month of August, in each year, by verbal notice, in the presence of one witness, or by notice in writing, left at the domicile of the person to whom it may be addressed, or in case of a common in which several persons have shares or are interested, by notice published at the church door of the parish within which such common shall be situated, on a Sunday or Holiday, (*Fete d'Obligation*,) immediately after divine service in the forenoon, to require any proprietor or occupier of any adjoining land or piece of ground not sown nor being a meadow in crop, or the persons having shares, or being interested in a common as aforesaid, to destroy or cut down all such noxious weeds, to wit: these commonly called *marguerites*, also ranuncules, commonly called *marguerites jaunes*, and thistles, wild endive, (*chicorée*) and *cotonniers* as may be then growing on such adjoining land or piece of ground, the proprietor or occupier of land giving such notice, having himself first destroyed or cut down all such weeds on his own fields or grounds adjoining: and if the weeds so required to be destroyed or cut down are not entirely destroyed or cut down at the expiration of six days from the date of this notice, then it shall be lawful for any Justice of the Peace, upon complaint duly made before him, and the oath of one credible witness other than the complainant, or on the confession of the party or parties complained of, to order in writing, the proprietor or occupier or other against whom such complaint shall be made, to destroy or cut down such weeds within a period to be assigned by such Justice of the Peace, under a penalty on such proprietor or occupier, of two shillings and six pence currency for every day that such weeds shall remain standing or growing from and after the time at which such notice shall have been served upon him, with the expenses incurred in obtaining such order accordingly to this Act.

Duties of Surveyors and Overseers of highways, to cause noxious weeds to be cut down.

LII. And be it further enacted by the authority aforesaid, that it shall be the duty of the surveyors and overseers of highways within the time limited in the foregoing section, to cause to be destroyed or cut down, by the persons bound to make and keep in repair the highways and bye-roads in their respective divisions, all weeds growing on highways or bye-roads, in their whole width, to the fences inclosing such highways or roads, under the same penalties on the said surveyors or overseers, and persons bound to make and keep in repair the said highways and bye-roads, as are provided in the Acts now in force for neglect or default in keeping such highways and roads in repair, and recoverable in the same manner.

Proprietors of animals dead near public roads or on lands, to cause them to be buried.

LIII. And whereas it frequently happens that animals dying of disease or otherwise remain exposed, near the public roads, in fields and other places, whereby travellers are incommoded, and exposed to danger, and dangerous diseases produced: Be it therefore enacted by the authority aforesaid, that the owner of any such animal of what kind soever, who shall neglect or refuse to bury the same at least three feet

Penalty. under ground and to cover the same with two feet of earth, at least, shall incur a penalty of not more than ten shillings nor less than five shillings currency.

Animals dying of disease and thrown into brooks, every person convicted of doing so, subject to a penalty.

LIV. And whereas it also frequently happens than animals dying of disease, or otherwise, are thrown into brooks, rivulets and rivers, and whereas individuals are in the habit of carrying filth in summer, and more particularly in winter, into the brooks, rivulets, and upon ice of the said brooks, rivulets and rivers : Be it therefore enacted by the authority aforesaid, that every person who shall be convicted on the oath of the informer or other credible witness, of having so thrown any such animal or so carted any such filth, unless at such places as may be fixed upon or pointed out by the competent local authorities, shall incur a penalty of not more than twenty shillings nor less than ten shillings currency, in addition to all damages.

Fines incurred under this Act to be prosecuted within one month.

LV. And be it further enacted by the authority aforesaid, that all fines and penalties incurred under this act, may be sued for and recovered within one month after the offence may have been committed and not afterwards.

Justices of the Peace not entitled to any fee. Certain fees allowed to their Clerks.

LVI. And be it further enacted by the authority aforesaid, that no Justice of the Peace, acting in obedience to, or under the authority of this act, shall be entitled to any fee or emolument in any case or under any pretext whatsoever. Provided always that the following fees may be allowed and fixed to such clerk as he may he may unavoidably have employed to assist him in the performance of the duties with which he is charged by this Act ; and that such clerk or other person shall not be entitled to more than one shilling currency for any summons, and six pence currency for every copy thereof, nor more than one shilling currency for any subpoena, and six pence currency for every copy thereof, nor more than one shilling and three pence currency, for enregistering any conviction ; and shall be paid for drawing up any order in pursuance of such conviction, and for every other paper writing made with relation to any prosecution instituted under this Act, at the rate of six pence currency, for every hundred words, and no more, which said fees as well as the allowance made to the witnesses, shall be taxed by the Justice of the Peace before whom such prosecution shall have taken place, and the taxed account of such costs and allowance shall be annexed to the judgment, and make part thereof ; and no bailiff, constable or peace officer employed in the execution of any thing to be done in conformity to this act, shall be entitled to more than one shilling currency for every league he shall be obliged to travel in the performance of such duty, (the distance travelled in returning not being reckoned,) nor to more than one shilling currency, for the service of any summons or subpoena ; nor to more than seven shillings and six pence currency, for making a seizure under the the authority of any order, or for levying any penalty under the authority of this

The Fees.

Act

Proviso. Act. Provided always, that no Bailiff, Constable or Officer of the Peace, by whom several summonses or subpoenas shall be served in one day at the requisition of the same Plaintiff and on the same road, shall be entitled to more than one shilling per league for the distance travelled to serve the same, the distance travelled in returning not being reckoned as aforesaid.

Fines how recoverable.

LVII. And be it further enacted by the authority aforesaid, that all fines, penalties and forfeitures imposed and incurred for offences against this act, and not otherwise provided for, shall be sued and recovered on the oath of one credible witness other than the informer or by the confession of the Defendant before any one Justice of the Peace for the District wherein the offence shall have been committed, and shall be levied by warrant under the hand and seal of the Justice of the Peace before whom the conviction of the offender or offenders shall be had, and by seizure and sale of the goods and chattels, and one moiety of such penalty shall go to His Majesty, His heirs and successors, and shall be paid into the hands of the Receiver General for the the public uses of the Province, and the other moiety shall go to the prosecutor, provided he shall not be an Overseer or Inspector, in which case the whole of the said penalty shall go to His Majesty, His heirs and successors, and the surplus of the monies levied by such sale shall be returned to the offender after the amount of the fine and costs of suit and execution shall have been satisfied.

Penalty against persons committing wilful perjury

LVIII. And be it further enacted by the authority aforesaid, that every person who shall be convicted of having wilfully taken a false oath in a case wherein a Justice of the Peace, in the due fulfilment of his duties, pursuant to this Act, may deem it necessary to administer an oath, shall incur the pains and penalties by law provided against wilful and corrupt perjury.

Act 30. Geo. III. cap. 4. suspended during the continuance of this Act.

LIX. And whereas the provisions of a certain Act or Ordinance, made in the thirtieth year of the Reign of His Majesty George the Third, intituled, "An Act or Ordinance for preventing Cattle from going at large, (or *l'abandon des animaux*;) are contained in this Act, and the said Act or Ordinance thereby rendered unnecessary: Be it therefore further enacted by the authority aforesaid, that from and after the passing of this Act, the said Act or Ordinance, made in the thirtieth year of His late Majesty's Reign, chapter four, intituled, "An Act or Ordinance for preventing Cattle from going at large," (or *l'abandon des animaux*) shall be, and the same is hereby suspended for and during the continuance of this Act.

One copy of this Act to be forwarded to each Inspector, for his guidance.

LX. And be it further enacted by the authority aforesaid, that one copy of this Act, and no more, shall be forwarded to each of the inspectors of fences and ditches for his guidance in the performance of the duties hereby required of him, and that every such inspector, upon retiring from office, shall transfer such copy of this Act to his successor in office for his guidance; and that every such inspector

spector who shall retire from office and shall refuse or neglect to transmit such copy to his successor in office for his guidance, shall incur a penalty of not less than five shillings, nor more than ten shillings currency.

Course to be adopted for prevention the obstruction of the navigation of rivers occasioned by the felling of trees.

Penalty.

LXI. And whereas great inconvenience is frequently suffered, and much injury done to navigation, and to mills, and the cultivation of low lands, is impeded by the obstructions occasioned by the felling of trees in rivers and rivulets, for remedy thereof: Be it therefore further enacted by the authority aforesaid, that every person who shall fell any tree or shall allow any tree thrown down by the wind or otherwise, to remain in and obstruct any river, rivulet or water course, shall incur a penalty not exceeding five shillings nor less than two shillings and six pence currency, for every day during which such tree shall remain therein after the expiration of four days from the time he shall have been required by the person or persons interested, to remove the same, over and above all damages which may arise therefrom and which may be recovered to the amount of four pounds three shillings and four pence currency before one justice of the peace, and if the damages shall exceed that sum, then before any Civil Court of competent jurisdiction.

Application of the monies to be accounted for to His Majesty.

LXII. And be it further enacted by the authority aforesaid, that the due application of the monies received for the public uses of this Province under the authority of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.

Duty of the senior Captain of Militia in each Seignory, &c. in respect of this Act.

LXIII. And be it further enacted by the authority aforesaid, that it shall be the duty of the senior Captain of Militia in each Seignory, Township, Parish or extra Parochial place, to publish or cause to be published the second, third, tenth, twelfth, fourteenth, sixteenth, eighteenth, fifty-second, fifty-third and sixtieth sections of this Act, at the Church door, immediately after Divine Service in the forenoon, or if there be no Church therein, then at the most frequented place in such Seignory, Township, Parish or extra Parochial place, on three successive Sundays in the month of March, in each and every year, and any such senior Captain of Militia who shall refuse or neglect so to publish the same or to cause them to be published, shall for every such refusal or neglect incur a penalty of twenty shillings currency.

Continuance of this Act.

LXIV And be it further enacted by the authority aforesaid, that this Act shall continue and be in force until the first day of May one thousand eight hundred and thirty-six and no longer.

SCHEDULE

SCHEDULE A.

DISTRICT OF } By A. B. of the (Parish, Seigniory or Township) of

Esquire, one of His Majesty's Justices of the Peace for the District of

To C. D. of the (Parish, Seigniory or Township) of

GREETING :—

You are hereby required, in His Majesty's name, personally to be and appear before me, the said Justices of the Peace at in the (Parish, Seigniory or Township) of the day of one thousand eight hundred and at the hour of in the noon, to answer the complaint of of the said (Parish, Seigniory or Township) of (Prosecutor's addition,) for having at the (Parish, Seigniory or Township) of on the day of one thousand eight hundred and (set forth the offence) against the form of the statute in such case made and provided ; herein fail not at your peril.

Given under my hand and seal at the (Parish, Seigniory or Township) this day of one thousand eight hundred and

A. B.

L. S.