

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 38

An Act for preserving, for the purposes of Husbandry, the Grass growing on Beaches, in the District of Quebec. (31st March, 1831.)

Whereas it is necessary to make provision for preventing the destruction of the Grass growing on the Beaches and Strands of the River Saint Lawrence, between high and low water marks, below the City of Quebec, which Grass, in many places sufficiently abundant to afford supplies of Grass useful for the maintenance of cattle and other live stock during the winter, is nevertheless for the most part rendered useless and lost, by suffering cattle to run at large, trampling and grazing upon the same: 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 proprietors of the land bordering on the South side of the said River, below the City of Quebec, shall be entitled to cut and cure the grass on the beaches or strands thereof, between high and low water marks, in the front of their respective lots of land and farms, to the exclusion of all other persons; and an action of trespass may be maintained by the party aggrieved against, any and every person offending by cutting any grass hereby reserved to him or them as aforesaid, and contravening to the prejudice of such party or person: Provided always, that in all cases of difficulty which may arise, the quiet and public possession as had before the passing of this Act, shall avail and be maintained; and provided further, that nothing herein contained shall be construed to limit the right of fishing on the beaches as heretofore established and exercised.

II. And be it further enacted by the authority aforesaid, that it shall not be lawful for any person to suffer live stock of any description to stray or run at large between high and low water marks in the summer or autumn, on any of the said beaches or strands of the River Saint Lawrence, under the penalty of two shillings and six-pence currency, for every animal so allowed to stray or run at large as aforesaid, which penalty shall be recovered from the possessor or owner of such cattle, and in case such possessor or owner shall not be known, the cattle or animals so straying or running at large may be confined by any person whatsoever, until the same shall be claimed by the owner or possessor, who shall pay to the person so detaining or confining the same a reasonable price for the keeping thereof, which price in case the owner or possessor refuses to pay, shall be levied in the manner provided for the penalties imposed and to be levied by virtue of this Act; Provided nevertheless, that

all persons seizing and detaining any cattle found straying, shall give notice thereof, at the Church door of the nearest Parish, on a Sunday or other Holiday, after Divine Service in the forenoon, and if the said cattle be not claimed, and such expences paid within eight days after such notice, then the said cattle may be sold by order of any Justice of the Peace, and the price after deducting such expences, and those of the notice, shall remain in the hands of such Justice of the Peace, for the owners of such cattle when known.

III. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall in any wise affect the rights of His Majesty, His Heirs or Successors, or of any person or persons, bodies politic or corporate, in any such beach or strand of the said River Saint Lawrence.

IV. Provided always, and be it further enacted by the authority aforesaid, that nothing in this Act contained shall be construed to extend to give to the Proprietors of the Banks of the said River, any right or title whatsoever to inclose or imbank by Fences or otherwise, the said Beaches and strands, or in any manner to impede the free and open liberty of Navigation and Commerce over the said River, to all His Majesty's' subjects, or to deprive any person of the free use of the beaches of the said River Saint Lawrence, as by the laws heretofore provided and in force, it is enacted and ordained.

V. And be it further enacted by the authority aforesaid, that the penalty by this Act imposed, shall be recoverable in a summary way, before any Justice of the Peace, upon the evidence on oath, of any one credible witness, other than the informer, and be levied by seizure and sale of the goods and chattles of the offender, (returning to the said offender the overplus if any, after deducting the costs of suit, seizure and sale,) by virtue of a warrant under the hand of the Justice before whom the conviction shall have taken place.

VI. And be it further enacted by the authority aforesaid, that one moiety of the fines and penalties levied under this Act, shall go to the informer, and the other moiety to His Majesty, His Heirs and Successors, and shall remain at the future disposal of the Provincial Parliament, for the Public uses of this Province, and that the due application of the monies arising therefrom 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 be pleased to direct.

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