

sum allowed to each County respectively for the purposes of this Act, in the present year, one thousand eight hundred and seventeen.

Commissioners to report to the Governor and to both Branches of the Legislature an account of their proceedings.

XIV. And be it further enacted by the authority aforesaid, that the said Commissioners for the Internal Communications, shall report to the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, and to the two Houses of the Provincial Parliament, at the next Session thereof, the improvements which shall have been made under this Act, with such other observations and informations as they may deem it expedient to give, on the improvements to be made upon the Internal Communications of this Province.

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

XV. And be it further enacted by the authority aforesaid, that the due application of all monies expended in conformity with the directions 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.

C A P. XIV.

AN ACT to facilitate the Administration of Justice in certain small matters therein mentioned, in the Country Parishes.

(22d March, 1817.)

Preamble.

WHEREAS it is necessary and proper to enable persons occupied in agriculture to continue the pursuit thereof, with the least possible interruption, by establishing a mode of administering Justice to them, with celerity, in the County to which they may belong, in certain cases, not relating to the right of property; 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

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After the passing of this Act, Justices of Peace in the County Parishes, empowered to hear Causes respecting Fences and Ditches on the line of division between neighbours who may refer their complaints to Experts.

“ said Province;” and it is hereby enacted by the authority of the same, that after the passing of this Act, in all matters concerning the works of Fences on the line of division, or of Ditches on the line of division between neighbours, and in all matters concerning Damage done by beasts of any description, it shall be lawful to and for every person to make application to any one of the nearest Justices of the Peace within the County, who is authorized and required to cause to come before him by summons under his hand and seal, in the form hereunto annexed, marked A, the person or persons against whom such summons shall be applied for, in the cases herein-before mentioned; and such Justice of the Peace after hearing the Parties or after hearing the Plaintiff only, in case of the non appearance of the Defendant, shall refer them to four *Experts*, of whom two shall be named by the Plaintiff, and two by the Defendant, and which *Experts* in case of contrariety of opinion, among themselves, shall name a fifth *Expert*, and if in the nomination of such fifth *Expert*, they shall not agree, the Justice of the Peace shall name him, and in case of the non-appearance of the Defendant or of his refusal to name such *Experts*, then such Justice of the Peace shall name them, on behalf of the Defendant, and upon the report of the said *Experts*, the Justice of the Peace, in the cases of works upon Fences and Ditches, herein before mentioned, shall either condemn the party in fault to perform the works upon the Fences or Ditches according to such report, or to pay as damages a sum which shall not exceed three Pounds, currency: and also, to pay the damages which may antecedently have resulted from his neglect or refusal to perform such works before the institution of such action; which damages last mentioned, shall not exceed the sum of three Pounds, currency, with costs of suit; and in the case of damage, done by beasts as aforesaid, he shall award the damages ascertained according to such report: Provided, that such damages do not exceed three Pounds, currency, with costs. And if by the said Reports of the said *Experts*, it appear that the plaintiff has no ground of action, the Justice of the Peace shall dismiss the action with costs; which damages and costs, in case of refusal to pay the same, shall be levied by warrant, under the hand and seal of the said Justice of the Peace by whom the matter shall have been adjudged; and in case of absence of such Justice of the Peace, after the adjudication of the matter by reason of death, sickness or other cause, then the same shall be levied by warrant under the hand and seal of any other Justice of the Peace, upon inspection of the said judgment, and by seizure and sale of the goods and chattels of the party condemned; Provided always, that the said *Experts*, before proceeding, shall make oath before the said Justice of the Peace, or before any other Justice of the Peace, well and fully to enquire into the matters and things referred, and a faithful report to make, according to the best of their understanding and knowledge; which oath such Justice of the Peace is hereby authorized to administer.

Penalty on the Parties found on complaint, in default

Experts to make Oath, before proceeding to enquire into the matters referred therein.

On questions respecting boundary lines, Justices of the Peace may order the Fence on fences and ditches to be done according to the lines fixed by judge

II. Provided always and be it further enacted by the authority aforesaid, that in every question relative to the boundary lines between neighbours, the said Justices of the Peace shall, upon such Report order, that the works upon fences and ditches be done according to such lines as may have been fixed by judgment of a Court of Justice,

ment of a Court of Justice, &c. and if none has been so fixed, then, according to such apparent line between the Parties as shall then exist, but not to prevent persons from proceeding by Action of BORNAGE.

Justice, by *proces verbaux* of Surveyors, or by agreement between the parties by an authentic instrument; and if no such judgment, *proces verbaux* or agreement exist, then, according to such apparent line, or continuation of such apparent line between the parties as shall then exist; and that nothing herein contained, shall extend to prevent any person from proceeding by action of *bornage* in any Court of Justice; and from thereafter compelling the making of the fences and ditches, according to the line which by the judgment rendered in such action of *bornage*, shall be fixed.

Until judgment on actions of BORNAGE the of the fences and ditches, shall be done, according to the judgment of such Justice of the Peace. But not to take away the jurisdiction of any Court of Justice.

III. And be it further enacted by the authority aforesaid, that until judgment be rendered, in such action of *bornage*, the works of the fences and ditches shall be done according to the judgment of such Justices of the Peace, rendered in the manner herein prescribed; And provided always, that nothing herein contained, shall extend to take away the jurisdiction in any respect of any Court of Justice in this Province.

Justices of Peace empowered to issue Summons for the attendance of Witnesses.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful to and for such Justice of the Peace, on the application of either party, to issue writs of *subpœna* to compel the attendance of witnesses before him, or before the *experts*; and that such witnesses shall be held to appear under the like penalties as are by Law incurred by witnesses making default to appear in Courts of Justice; and that it shall be lawful to and for such Justice of the Peace to administer to such witnesses an oath in the usual manner.

Justices of the Peace to keep a Register of their proceedings.

V. And be it further enacted by the authority aforesaid, that the said Justices of the Peace shall keep a Register of all proceedings which shall have been taken before them respectively, in virtue of this Act, and shall give copy thereof to such persons as shall demand the same, and may for such copies claim, and have at the rate of sixpence currency for every hundred words.

Costs allowed in causes tried before Justices of the Peace, to them and to Bailiffs and Experts.

VI. And whereas it is proper to fix the costs of such causes as shall be tried before the said Justices of the Peace, be it further enacted by the authority aforesaid, that it shall be lawful to and for the said Justices of the Peace, to demand and have for every Summons, one shilling currency; for every copy of a Summons, sixpence currency; for every original *subpœna* one shilling currency; for every copy of a *subpœna* sixpence currency; for every judgment and copy thereof one shilling and threepence currency; for every warrant of distress, one shilling and threepence currency; and that the Bailiffs shall have for the service of the same, one shilling currency; and for their travelling expences for each and every league, one shilling currency; that every *expert* shall have for his attendance, exclusive of the cost of the Report, two shillings currency; and for their travelling expences for each and every league, one shilling currency.

The Costs.

VII.

Penalty on persons
taking a false oath.

VII. And be it further enacted by the authority aforesaid, that every person or persons, who shall be convicted of having wilfully taken a false oath, in any case in which an oath is hereby required, shall incur the like pains and penalties as are incurred by persons convicted of wilful and corrupt perjury.

Continuance of this
Act.

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

SCHEDULE to which this Act refers :

Form of the Schedule.

A

E. F. one of His Majesty's Justices of the Peace for the District of	
A. B. of the Parish of	yeoman, plaintiff,
AGAINST	
C. D. of the Parish aforesaid,	Defendant.

A. B. the Plaintiff, sues you C. D. for the sum of Pounds,
being the amount of damage done him, by having

You are hereby ordered to pay the amount of the said Damages, together with the sum of shillings for costs, hitherto incurred. In default whereof, you are required personally, or by Attorney, to be and appear before me on the day of at the house of to make answer to the present demand; and in case of your non-appearance, you will be proceeded against by default, and according to Law.

Given under my hand and seal at the Parish of on the day of in the year

E. F.
J. P.

C A P. XV.

AN ACT to appropriate a certain sum of money therein mentioned, for the promotion of Vaccine Inoculation.

(22 March, 1817.)

Preamble.

WHEREAS it is expedient to appropriate a further sum of money to promote the more extensive diffusion of Vaccine Inoculation: Be it therefore enacted by he King's Most Excellent Majesty, by and with the advice and consent of the Legislative