

The Provincial Statutes of Lower-Canada, Being the first session of the fourth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1805.

45 George III – Chapter 15

An Act for the preservation of Apple Trees in the Parish of Montreal. (25th March, 1805.)

Whereas the insect called, Caterpillar Arpenteuse, has so greatly multiplied as to be destructive to the Apple Trees in the Orchards and Gardens, in and about the City of Montreal, and it has been found by experience, that the ravages of that insect, can be materially checked, and the number thereof diminished by tying in the spring round the stem of each Tree, a bandage, and smearing the same repeatedly with Tar, so as to present and obstacle to the progress of such insect from the ground to the branches, by which means many of the Trees that otherwise would have been destroyed, have been preserved; And whereas the labour of industrious persons who employ the said means to preserve the said Trees, may be rendered endless, and in great measure useless by the indolence and negligence of their neighbours, who leave their Trees to be over run by the said insects, whereby they are annually propagated and again extended to the Trees of such industrious persons; 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 of 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 at the commencement of the Spring, annually, as soon as the snow shall be melted, around the Trees, every person, within the Parish of Montreal, in possession of any ground planted in whole or in part, with Apple Trees, and which shall have been infested with the Insect, called Caterpillar Arpenteuse, shall, four different times, before the said Insect begins to ascend the Trees, and at least four different times afterwards, in the course of the Season, whilst the Insect ravages the said Trees, besmear with Tar, the stems or a bandage tied closely around the stems of such Trees, and in like manner; at least three times in the Fall, reckoning from the first day of October, annually, and every person in possession of any ground so planted in whole or in part with Apple Trees, which have been so infested, and who shall refuse or neglect to besmear, or cause to besmeared, the stem of each Tree, or bandage tied closely around each Tree, as is herein directed, shall forfeit and pay for such offence, a sum not less than Five Shillings, and not exceeding Five Pounds, current money of this Province.

II. And be it further enacted by the authority aforesaid, that the Penalty imposed by this Act, may at any time, within three months after the offence committed, and not afterwards, be sued for before any two of his Majesty's Justices of the Peace, for the District of Montreal, in their weekly sittings, and upon conviction by the Oath of one or more credible

Witnesses or Witnesses, other than the Prosecutor, or upon confession of the offender, the sum shall be levied by distress and sale of the Goods of the offender, together with the costs of suit, one moiety of which penalty shall belong to the person suing for the same, and the other half to his Majesty, to be paid into the hands of the Receiver General of this Province, and the same 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.

III. And be it further enacted by the authority aforesaid, that this Act shall continue in force until the first day of January, of the year one thousand eight hundred and eight, and from thence to the end of the then next Session of the Provincial Parliament and no longer.