

*Laws of Her Majesty's Province of United Canada*, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 210

**An Act to amend the Act intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture*. Assented to 14th June, 1853.**

Whereas it is expedient to amend the Act hereinafter mentioned in certain particulars: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in the sixth Section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture*, the Justice of the Peace to whom any complaint shall be made as in the said Section provided, before commanding the Road Surveyor to proceed to assess the damages, shall summon the parties before him, and if, after hearing the parties the Justice shall deem it advisable, then such Justice shall command the Road Surveyor to assess the damages, and shall proceed thereafter as in the said Section it is provided: but if after hearing the parties such Justice shall determine that no damage has been caused, then he shall dismiss the case, with costs against the complainant.

II. And be it enacted, That for and notwithstanding any thing to the contrary in the thirty-first Section of the said Act, it shall be lawful for the persons interested in the *Procès-Verbal* of any water course, as mentioned in the said Section, to meet in any year, on the requisition of any one of themselves, at the time and place appointed for the annual election of Municipal Officers, and then and there to elect one of themselves to be Overseer of the work to which such *Procès-Verbal* relates; or if it concerns more than one Parish, Township or place, then to elect one of themselves as such Overseer for each such place: Provided always, that any person interested in such *Procès-Verbal* may be elected, although he may reside out of the limits of such Parish, Township or place; each Overseer so elected shall serve until another shall be in like manner elected in his stead; and the person presiding at the meeting at which such election shall take place, shall transmit the name or names of the person or persons elected to the Council of the Municipality, to make part of the records thereof.

III. And be it enacted, That for and notwithstanding any thing to the contrary in the thirty-ninth Section of the said Act, any one or more of the persons interested in any *Procès-Verbal* in the said section referred to, may demand a change in the work regulated thereby, provided such demand be supported by the affidavits of two Surveyors or Overseers for the Parish or Township, not interested in the matter, to the effect that in their opinion the regulations made concerning such

work by the *Procès-Verbal* ought to be changed in the manner to be set forth in such affidavits, in which case such change may be made in like manner as if two thirds of the persons interested had demanded the same, as in the said Section it is provided.

IV. And be it enacted, That for and notwithstanding any thing 10 the contrary in the fortieth Section of the said Act, the party deeming himself aggrieved by any *Procès-Verbal*, instead of laying his complaint before some other Justice of the Peace, as provided by the said Section, shall lay the same before the Justice of the Peace to whom the *Procès-Verbal* is to be presented for homologation, who shall not thereafter proceed to consider or to homologate the said *Procès-Verbal*, except with the assistance of some other Justice of the Peace qualified according to law to determine upon the matter, and whose concurrence shall be necessary to the homologation of such *Procès-Verbal*; and if a difference of opinion shall arise between the said two Justices of the Peace, they shall adjourn the proceedings to a subsequent day, in order to obtain the assistance of a third Justice of the Peace, and hear the parties *de novo*.