AN ACT
To Prevent the Spreading of Canada Thistles,
—AND—
AMENDING ACTS.

AN ACT TO PREVENT THE SPREADING OF CANADA THISTLES IN UPPER CANADA.

(Assented to September 18th, 1865.)

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall be the duty of every occupant of land in Upper Canada, to cut, or to cause to be cut down, all Canada thistles growing thereon, so often in each and every year as shall be sufficient to prevent them going to seed ; and if any owner, possessor, or occupier of land shall knowingly suffer any Canada thistles to grow thereon, and the seed to ripen, so as to cause or endanger the spread therof, he shall, upon conviction, be liable to a fine of not less than two, nor more than ten dollars for every such offence.

2. It shall be the duty of the Overseers of Highways in any Municipality to see that the provisions of this Act are carried out within their respective highway divisions, by cutting or causing to be cut all the Canada thistles growing on the highway or road allowances within their respective divisions, and every such overseer shall give notice in writing to the owner, possessor or occupier of any land within the said division whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice ; and in case such owner, possessor or occupier, shall refuse or neglect to cut down the said Canada thistles within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage to growing crops as may be, and shall not be liable to be sued in action of trespass therefor. Provided that no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain ; provided also, that where such Canada thistles are growing upon non-resident lands, it shall not be necessary to give any notice before proceeding to cut down the same.

3. It shall be the duty of the Clerk of any Municipality in which railway property is situated, to give notice in writing to the Station Master of said Railway, resident in or nearest to the said Municipality, requiring him to cause all the Canada thistles growing upon the property of the said Railway Company within the limits of the said Municipality to be cut down as provided for in the first section of this Act ; and in case such Station Master shall refuse or neglect to have the said Canada thistles cut down within ten days from the time of service of the said notice, then the Overseer of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act.

4. Each Overseer of Highways shall keep on accurate account of the expenses incurred by him in carrying out the provisions of the preceding section of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, and describing by its legal description the land entered upon, and verified by oath, to the owner, possessor or occupier of such resident lands, requiring him to pay the amount : in case such owner, possessor or occupier of such resident lands shall refuse or neglect to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the corporation in which such expense was incurred, and the said council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for the general purposes of the said Municipality ; the said Overseer of Highways shall also present to the said council a similar statement of expenses incurred by him in carrying out the provisions of the said section upon any non-resident lands ; and the said council is hereby authorized and empowered to audit and allow the same in like manner. Provided always that if any owner, occupant or possessor amenable under the provisions of this Act, shall deem such expenses excessive, an appeal may be made to the said council (if made within thirty days after delivery of such statement) and the said council shall determine the matter in dispute.

5. The Municipal council of the corporation shall cause all such sums as have been so paid under the provisions of this Act to be severally levied on the lands described in the statement of the Overseer of Highways and to be collected in the same manner as other taxes ; and the same, when collected, shall be paid into the Treasury of the said corporation to reimburse the outlay therefrom aforesaid.

6. Any person who shall knowingly vend any grass or other seed among which there is any seed of the Canadian thistle, shall for every such offence upon conviction, be liable to a fine of not less than two or more than ten dollars.

7. Every Overseer of Highways or other officer who shall refuse or neglect to discharge the duties imposed on him by this Act shall be liable to a fine of not less than ten nor more than twenty dollars.

8. Every offence against the provisions of this Act shall be punished and the penalty hereby enforced for each offence shall be recovered and levied, on conviction, before any Justice of the Peace ; and all fines imposed shall be paid into the Treasury of the Municipality in which such conviction takes place.

AN ACT TO AMEND THE ACT CHAPTER FORTY, TWENTY-NINE VICTORIA, ENTITLED AN ACT TO PREVENT THE SPREADING OF CANADA THISTLES IN UPPER CANADA."

(Assented to 3rd January, 1869.

Whereas, it is desirable to amend the Act relating to the spread of thistles in upper Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Notwithstanding anything in the said Act contained, it shall not be lawful for any Overseer of Highways to enter upon the duties therein imposed, without having first obtained authority from the Municipal Corporation of which he is an officer.

2. It shall be lawful for all Municipal Corporations in the Province of Ontario to authorize the carrying out of the provisions of this Act.

AN ACT TO PREVENT THE SPREADING OF CANADA THISTLES.

Her Majesty, by and with advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall be the duty of every occupant of land to cut or cause to be cut down all the Canada thistles growing thereon, so often in each and every year, as is sufficient to prevent them going to seed ; and if any owner, possessor or occupier of land knowingly suffers any Canada thistles grow thereon and the seed to ripen so as to cause or endanger the spread thereof, he shall upon conviction be liable to a fine of not less than two nor more than ten dollars for every such offence. 29 V. c. 40 s. 1.

2. It shall be the duty of the Overseers of Highways in any Municipality, having first obtained authority from the Municipal Council of which they are officers, to see that the provisions of this Act are carried out within their respective highway divisions by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective road divisions. 29 V. c. 40, s. 2 ; 32 V. c. 41, ss. 1 and 2.

3. Every such Overseer shall give notice in writing to the owner, possessor or occupier of any land within the said division whereon Canada thistles are growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice.

(2.) In case of such owner, possessor or occupier refuses or neglects to cut down the said Canada thistles within the period aforesaid, the said Overseer of Highways shall enter upon the land and cause such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in action of trespass therefor.

(3.) But no such Overseer of Highways shall have power to enter upon or cut thistles on any land sown with grain, and where such Canada thistles are growing upon non-resident lands it shall not be necessary to give any notice before proceeding to cut down the same. 29 V. c. 40, s. 2.

4. It shall be the duty of the Clerk of any Municipality in which Railway property is situated, to give notice in writing to the Station Master of said Railway resident in or nearest to the said Municipality, requiring him to cause all the Canada thistles growing upon the property of the Railway Company within the limits of the said Municipality to be cut down as provided in the first section of this Act.

(2.) In case such Station Master refuses or neglects to have the said Canada thistles cut down within ten days from the time of service of said notice, then the Overseers of Highways of the said Municipality shall enter upon the property of the said Railway Company and cause such Canada thistles to be cut down, and the expense incurred in carrying out the provisions of this section shall be provided for in the same manner as in the next following section of this Act. 29 V. c. 40, s. 3.

5. Each Overseer of Highways shall keep an accurate account of the expense incurred by him in carrying out the provisions of the preceding sections of this Act, with respect to each parcel of land entered upon therefor, and shall deliver a statement of such expenses, describing by its legal description the land entered upon, and verified by oath, to the owner, possessor or occupier of such resident lands, requiring him to pay the amount.

(2.) In case such owner, possessor or occupier of such resident lands refuses or neglects to pay the same within thirty days after such application, the said claim shall be presented to the Municipal Council of the Corporation in which such expense was incurred, and the said Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general purposes of the said Municipality. 29 V. c. 40, s. 4.

6. The said Overseer of Highways shall also present to the said Council a similar statement of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident lands; and the said Council is hereby authorized and empowered to audit and allow the same in like manner. 29 V. c. 40, s. 4.

7. If any owner, occupant or possessor, amenable under the provisions of this Act, deems such expense excessive, an appeal may be had to the said Council (if made within thirty days after delivery of such statement), and the said Council shall determine the matter in dispute. 29 V. c. 40, s. 4.

8. The Municipal Council of the Corporation shall cause all such sums as have been so paid under the provisions of this Act to be severally levied on the lands described in the statement of the Overseers of Highways, and to be collected in the same manner as other taxes ; and the same when so collected shall be paid into the treasury of the said Corporation to reimburse the outlay therefrom aforesaid. 29 V. c. 40, s. 5.

9. Any person who knowingly vends any grass or other seeds among which there is any seed of the Canada thistle shall, for every such offence, upon conviction, be liable to a fine of not less than two nor more than ten dollars. 29 V. c. 40, s. 6.

10. Every Overseer of Highways or other officer who refuses or neglects to discharge the duties imposed on him by this Act, shall be liable to a fine of not less than ten nor more than twenty dollars. 29 V. c. 40, s. 7.

11. Every offence against the provisions of this Act shall be punished, and the penalty hereby enforced for each offence shall be recovered and levied, on summary conviction before any Justice of the Peace ; and all fines imposed shall be paid into the treasury of the Municipality in which such conviction takes place. 29 V. c. 40, s. 8.

12. Any Municipal Corporation in Ontario may authorize the carrying out of the provisions of this Act. 32 V. c. 41, s. 2.

AN ACT TO PREVENT THE SPREADING OF CANADA THISTLES.

Assented to 5th March, 1880.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section two of Chapter one hundred and eighty-eight of the Revised Statutes of Ontario is amended by striking out all the words after the word "Municipality" in the second line of the said section to the word "officers" in the third line of the said section.

2. Section three of the said Act is amended by adding thereto the words "and it shall be the duty of such overseer to give such notice not later than the twenty-fifth day of June."

3. Section twelve of the said Act is hereby repealed.

An Act Respecting Line Fences.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This act may be cited as "*The Line Fences Act.*"

2. Owners of occupied adjoining lands shall make, keep up and repair a just portion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark out such boundary; and owners of unoccupied lands which adjoin occupied lands, shall, upon their being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. 37 V. c. 25, s. 2.

3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :

Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises.

Such owners so notifying shall also notify (Form 2) the Fence-viewers, not less than one week before their services are required.

The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of such lands being untenanted, by leaving such notice with any agent of such owner.

The owners notified may, within one week, object to any or all of the Fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 37 V. c. 25, s. 3.

4. An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. 37. V. c. 25, s. 9.

5. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in courts of Law. 37 V. c. 25, s. 4.

6. The Fence-viewers shall make an award (Form 3) in writing, signed by any two of them, respecting the matters so in dispute ; which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs.

In making such award, the Fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party.

Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence, upon the line between the parties, it shall be lawful for the Fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient, but such location shall not in any way effect the title to the land.

If necessary, the Fence-viewers may employ a Provincial Land Surveyor, and have the locality described by metes and bounds. 37 V. c. 25, s. 5.

7. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the land is situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. 37 V. c. 25, s. 6.

8. The award may be enforced as follows :—The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs; and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality : but the Judge of such division Court may, on application of either party, extend the time for making such fence to such time as he may think just. 37 V. c. 25. s. 7.

9. The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the Registry Office of the County, or other Registration Division in which the lands are.

Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of "*The Registry Act.*" 37 V. c. 25, s. 8.

10. The Fence-viewers shall be entitled to receive two dollars each for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpœnaed in any Division Court. 37 V. c. 25, s. 10.

11. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate, and the proceedings on such appeal shall be as follows :—

The appellant shall serve upon the Fence-viewers, and all parties interested, a notice in writing of his intention to appeal within one week from the time he has been notified of the award : which notice may be served as other notices mentioned in this Act.

The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all parties interested, in the manner herein before provided for the service of other notices under this Act.

The Judge shall hear and determine the appeal, and set aside, alter or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, may inspect the premises ; and may order payment of costs by either party, and fix the amount of such costs.

His decision shall be final ; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

The practice and proceedings on the appeal, including the fees payable for subpœnas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. 37 V. c. 25, s. 11 ; 40 V. c. 7, Sched. A. (202) ; 40 V. c. 8, s. 58.

12. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of Fence-viewers. 37 V. c. 25, s. 12.

13. The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence.

(*a*) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure.

(*b*) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum, to be determined as provided in the sixth section of this Act.

(*c*) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the Fence-viewers may award to be paid therefor under the sixth section of this Act. 40 V. c. 29, s. 1.

The provisions of this Act relating to the mode of determining disputes between the owners of occupied adjoining lands ; the manner of enforcing awards and appeals therefrom ; and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. 40 V. c. 29, s. 2.

15. If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree heretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

On his neglect or refusal so to do forty-eight hours after notice in writing to remove the same, the injured party may remove the the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act.

For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three Fence-viewers of the Municipality, two of whom shall agree. (29 30 V. c. 51, s. 355 (28.)

15. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 37 V. c. 25, s. 13.

An Act Respecting Ditching Water-Courses.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Ditches and Water Courses Act.*"

2. This Act shall not effect the Acts relating to Municipal Institutions or the Acts respecting Drainage, as this Act is intended to apply to individual, and not to public or local interests, rights, or liabilities. 38 V. c. 26, s. 2.

3. In case of owners occupying adjoining lands which would be benefited by making a ditch or drain, or by deepening or widening a ditch or drain already made in a natural water-course, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry land, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain, according to their several interests in the construction of the same ; and such ditches or drains shall be kept and maintained so opened, deepened or widened by the said owners respectively and their successors in such ownership, in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the Fence-viewers hereinafter named otherwise direct, which they are hereby empowered to do upon application of any party interested, in the same form and manner as hereinafter prescribed in respect of the original opening, deepening or widening ; and in case the Fence-viewers find no reason for such application, all costs caused thereby shall be borne by the applicant. 38 V. c. 26, s. 3.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :—

Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises.

Such owner so notifying shall also notify (Form 2) the Fence-viewers not less than one week before their services are required.

The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case a non-resident, by leaving such notice with any agent of such owner.

The owner notified may, within the week, object to any or all of the Fence-viewers notified : and in case of disagreement the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 38 V. c. 26, s. 12.

5. An occupant not the owner of land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. 38 V. c. 26, s. 12.

6. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 38 V. c. 26, s. 5.

7. The Fence-viewers shall make an award (Form 3) in writing, signed by any two of them, respecting the matters so in dispute, which award shall specify the locality, quality, and description and cost of the ditch or drain it orders to be made, and the time within which the work shall be done : and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs.

In making such award the Fence viewers shall regard the nature of the ditches or drains in use in the locality, and generally the suitableness of the ditch or drain ordered to the wants of the parties ; and the Fence-viewers may if they think necessary, employ a Provincial Land Surveyor for the purpose of taking levels, or of making a plan for the parties to follow in making the ditch or drain, or for other purposes.

If the expense of the ditch or drain exceeds the expense as estimated by the Fence-viewers, the same Fence-viewers may be again notified in the same manner herein provided, and shall attend, and, if they see fit, make a supplementary award respecting such expense, which award shall have the same effect, and may be dealt with in all respects as if it were part of the first award. 38 V. c. 26, s. 6.

If it appears to the Fence-viewers that the owner or occupier of any tract of land is not sufficiently interested in the opening up the ditch or water-course to make him liable to perform any part thereof and at the same time that it is necessary for the other party that such ditch should be continued across such tract, they may award the same to be done at the expense of such other party ; and after such award, the last mentioned party may open the ditch or water-course across the tract, at his own expense, without being a trespasser. 40 V. c. 8, s. 59.

8. The award and any plan made as above provided for, shall be deposited in the office of the Clerk of the Municipality in which the lands are situate, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given to all parties interested. 38 V. c. 26, s. 7.

9. The award shall constitute a lien and charge upon the lands respecting which it is made when it is registered in the Registry office of the County or other Registration Division in which the lands are.

Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any instrument which is within the meaning of "*The Registry Act.*" 38 V. c. 26, s. 9.

10. The award may be enforced as follows :—The person desiring to enforce it, provided the work is not done within the time specified by the award, may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality ; but the Judge of such Division Court may, on application of either party, extend the time for making such ditch to such time as he may think just. 38 V. c. 26, s. 8.

11. The Fence-viewers shall be entitled to receive two dollars for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpœnaed in any Division Court. 38 V. c. 26, s. 14.

12. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which he lands are situate ; and the proceedings on such appeal shall be as follows :

The appellant shall serve upon the Fence-viewers, and all parties interested, a notice in writing of his intention to appeal within one week from the time he has been notified of the award ; which notice shall be served as other notices mentioned in this Act.

The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land or a portion thereof lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, inspect the premises, and he may order payment of costs by either party, and fix the amount of such costs.

His decision shall be final ; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. 38 V. c. 26, s. 14.

13. In case any Municipal Corporation would be benefited by the construction of such ditch or drain, such Corporation shall be in the same position as an individual owner under this Act. 38 V. c. 26, s. 10. 40 V. c. 8, s. 60.

14. In case any person during or after the construction of the ditches or drains herein provided for, desires to avail himself of such ditches or drains for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or had been a party to such original proceedings ; but no person shall make use of the ditches or drains constructed under the provisions of this Act unless under agreement or award pursuant to its provisions as to use of the land of others, as to enlargement of the original ditch or drain, so as to contain additional water therein, and as to the time for the completion of such enlargement. 38 V. c. 26, s. 11.

15. Any agreement in writing (Form 4), between owners respecting such ditch, may be filed or registered, and enforced as if it was an award of the Fence-viewers. 38 V. c. 26, s. 15.

16. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 38 V. c. 26, s. 16.

AN ACT RESPECTING DITCHING WATER-COURSES.

(Assented to 5th March, 1880.)

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section three of chapter one hundred and ninety-nine of the Revised Statutes is hereby amended by striking out the word "occupying" in the first line of said section and substituting there for the word "of."

2. Sub-section three of section four of the said Act is hereby amended by striking out all the words after the word "resident" in the sixth line of the said sub-section and inserting the words "by mailing such notice to, or leaving the same with, any agent of such owner, or by mailing such notice to the last known place of residence of such owner."

3. Sub-section three of section seven of the said Act is hereby amended by adding thereto the following proviso :

"Provided always that in the case of the death or removal from the municipality of any such fence-viewers, or his or their ceasing to be fence-viewers, another or other fence-viewer or fence viewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fence-viewers, but there shall be the same right of objecting to the substituted fence-viewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fence-viewers who are to arbitrate."

4. The eighth section of the said Act is hereby repealed, and the following substituted therefor :

8. The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall be given by the clerk of such municipality to all parties interested, within three days after their deposit.

Laid on the Shelf.

Mr. Thos. Claydon, Shelburne, Ont. writes: "I have been suffering with a lame back for the past thirty years, and tried everything I heard of without success. Not long ago I was persuaded to use St. Sacobs Oil. I purchased a bottle, and, strange to say, before I used it all, I was perfectly cured. I can confidently recommend it any one afflicted. No one can speak too highly of its merits." Mr. W. E. Weeckley, also of Shelbourne, thus mentions a matter of his experience: "I have been a sufferer with rheumatism for years. I was laid up with a severe attack a short time ago, and I can truly say that St Jacobs Oil produced the quickest relief that I ever experienced. I cheerfully recommend it to every sufferer.

The Doctor's Last Happy Resort.

EVANSVILLE, Ind., Jan. 11, 1882.

I recently had a very difficult case of Consumption. I treated it in the most scientific manner possible, but to no effect ; patient grew gradually worse. Rather than give up, and as a last resort, I decided, much against my wish, to use a remedy that had cured one of my former patients. Greatly to my surprise, the patient began to gain, and in a much shorter time than I dared to ever expect, she was completely cured. The name of this remarkable remedy is Dr. King's New Discovery for Consumption. I now use it altogether in my practice.—*Leading M. D., Evansville.* Trial bottles free at Michener's Drug Store. Large size $1.00.

Holloway's Ointment and Pills.—Though it is impossible, in this climate of changing temperature, to prevent ill-health altogether, yet its form and frequency may be much mitigated by the early adoption of remedial measures. When hoarseness, cough, thick breathing, and the attending slight fever indicate irritation of the throat or chest, Holloway's Ointment should be rubbed upon these parts without delay, and his Pills taken in appropriate doses, to promote its curative action. No catarrhs or sore throats can resist these remedies. Printed directions envelope every package of Holloway's medicaments, which are suited to all ages and conditions, and to every ordinary disease to which humanity is liable.

Bucklen's Arnica Salve.

The BEST SALVE in the world for cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns and all kinds of Skin Eruptions. The Save is guaranteed to give perfect satisfaction in every case or money refunded. Price 25 cents per box. For sale by J. H. Michener

Rest and Comfort to the Suffering.

"Brown's Household Panacea" has no equal for relieving pain, both internal and external. It cures Pain in the Side, Back or Bowels, Sore throat, Rheumatism, Toothache, Lumbago and any kind of a Pain or Ache. It will most surely quicken the Blood and Heal, its soothing power is wonderful." "Brown's Household Panacea," being acknowledged as the great Pain Reliever, and of double the strength of any other Elixir or Liniment in the world, should be in every family handy for use when wanted," as it realy is the best remedy in the world for Cramps in the Stomach, and Pains and Aches "of all kinds," and is for sale by all Druggists at 25 cents a bottle.

Mack's Magnetic Medicine—the great brain and nerve food, will restore lost nature to young, middle-aged and old. Life is too short to waste away. Read the advertisement in another column, and if you are afflicted make no delay in procuring the cheapest and best medicine ever sold. Sold in Listowel by J. A. Hacking.

Mothers! Mothers!! Mothers!!!

Are you disturbed at night and broken of your rest by a sick child suffering and crying with the excruciating pain of cutting teeth? If so go at once and get a bottle of MRS. WINSLOW'S SYRUP. It will relieve the poor little sufferer immediately—depend upon it ; there is no mistake about it. There is not a mother on earth who has ever used it, who will not tell you at once that it will regulate the bowels, and give rest to the mother, and relief and health to the child, operating like magic. It is perfectly safe to use in all cases, and pleasant to the taste, and is the prescription of one of the oldest and best female physicians and nurses in the United States. Sold everywhere at 25 cents a bottle.—Ly.

"Twenty-four Years' Experience," says an eminent physician, convinces me that the only way to cure nervous exhaustion, and weakness of the sexual organs is to repair the waste by giving brain and nerve food, and of all the remedies compounded, Mack's Magnetic medicine is the best. See advertisement in another column. Sold in Listowel by J. A. Hacking.

NEW MANAGEMENT

—AT THE—

WALLACE STREET

Tailoring Establishment.

JAMES COGHILL

Begs to inform the public of Listowel and vicinity that he has purchased the Tailoring business of MR. H. D. GERHARD, on Wallace Street, opposite Scott's Banking House, where he will be pleased to wait upon all who may require anything in his line.

Having had several years' experience as Cutter in some of the leading establishments in the Dominion, he is prepared to do first-class work.

LATEST

American & English Designs

will always be found on hand to select from. He invites a trial, confident that those who patronize him will be perfectly satisfied.

LEAVE YOUR ORDERS EARLY FOR SPRING SUITS.

LADIES' MANTLES.

Special attention is given to Ladies' Mantles. Ladies can rely on a neat fit.

JAMES COGHILL.

Listowel, Mar. 28, 1882. 12a

HURRAH FOR MANITOBA!

WM. WELCH

Takes pleasure in informing the public in general, and parties about leaving for the Northwest in particular, that he has just received his

SPRING STOCK

—OF—

BOOTS & SHOES,

comprising a large variety of Men's, Women's and Children's wear, of first-class quality, and which he will sell at astonishingly low figures for cash.

SPECIAL ATTENTION

—GIVEN TO—

ORDERED WORK.

The best material used, and none but experienced workmen employed. Good fit guaranteed or no sale. Repairing promptly attended to.

Trunks and Valises at Cost,

Splendid chance for parties going to Manitoba.

Sign of the White Boot, opposite Tatham's Hardware, Main Street.

WM. WELCH.

St JACOBS OIL

TRADE MARK.

THE GREAT GERMAN REMEDY. FOR

RHEUMATISM,

Neuralgia, Sciatica, Lumbago, Backache, Soreness of the Chest, Gout, Quinsy, Sore Throat, Swellings and Sprains, Burns and Scalds, General Bodily Pains,

Tooth, Ear and Headache, Frosted Feet and Ears, and all other Pains and Aches.

No Preparation on earth equals ST. JACOBS OIL as a *safe, sure, simple* and *cheap* External Remedy. A trial entails but the comparatively trifling outlay of **50 Cents**, and every one suffering with pain can have cheap and positive proof of its claims.

Directions in Eleven Languages.

SOLD BY ALL DRUGGISTS AND DEALERS IN MEDICINE.

A. VOGELER & CO.,
Baltimore, Md., U. S. A.

BEST business now before the public. You can make money faster at work for us than at anything else. Capital not needed. We will start you. $12 a day and upwards made at home by the industrious. Men, women, boys and girls wanted everywhere to work for us. Now is the time. You can work in spare time only or give your whole time to the business. You can live at home and do the work. No other business will pay you nearly as well. No one can fail to make enormous pay by engaging at once. Costly outfit and terms free. Money made fast, easily and honorably. Address TRUE & Co., Augusta, Maine.

HACYARD'S YELLOW OIL FOR RHEUMATISM

FREEMAN'S WORM POWDERS.

Are pleasant to take. Contain their own Purgative. Is a safe, sure, and *effectual destroyer of worms* in Children or Adults.

PATENTS

We continue to act as solicitors for Patents, Caveats, Trade Marks, Copyrights, etc., for the United States, Canada, Cuba, England, France, Germany, etc. We have had **thirty-five years experience.**

Patents obtained through us are noticed in the SCIENTIFIC AMERICAN. This large and splendid illustrated weekly paper, $3.20 a year, shows the progress of Science. A VERY interesting and has an enormous circulation. Address MUNN & CO., Patent Solicitors, Publishers of SCIENTIFIC AMERICAN, 37 Park Row, New York. Hand book about Patents sent free.

Burdock BLOOD BITTERS

WILL CURE OR RELIEVE

BILIOUSNESS, DYSPEPSIA, INDIGESTION, JAUNDICE, ERYSIPELAS, SALT RHEUM, HEARTBURN, HEADACHE, DIZZINESS, DROPSY, FLUTTERING OF THE HEART, ACIDITY OF THE STOMACH, DRYNESS OF THE SKIN,

And every species of disease arising from disordered LIVER, KIDNEYS, STOMACH, BOWELS OR BLOOD,

T. MILBURN & CO., Proprietors, TORONTO.

Mack's Magnetic Medicine

Is a Sure, Prompt and Effectual Remedy for *Nervousness in ALL its stages, Weak Memory, Loss of Brain Power, Sexual Prostration, Nightsweats, Spermatorrhea, Seminal Weakness, and General Loss of Power.* It represses *Nervous Waste, Reinvigorates the Jaded Intellect, Strengthens the Enfeebled Brain, and Restores Surprising Tone and Vigor to the Exhausted Generative Organs.* The experience of thousands proves it an INVALUABLE REMEDY.

☞ Full particulars in our pamphlet, which we desire to mail free to any address.

Mack's Magnetic Medicine is sold by Druggists at 50 cts. per box, or **12** boxes for **$5** or will be mailed free of postage, on receipt of the money, by addressing

MACK'S MAGNETIC MEDICINE CO., Windsor, Ont., Canada.

Sold in Listowel by J. A. Hacking, and all Druggists everywhere. 15y

I. O. L. NO. 617.

The members of this Lodge meet in their Lodge Room, on Regian street, on the 1st Tuesday of every month, at 7.30 p.m. Brethren from other lodges are cordially invited to visit us when ever convenient.

DR. J. A. BURGESS.

HACYARD'S PECTORAL BALSAM

CURES COUGHS COLDS, HOARSENESS, ETC.

SALESMEN WANTED.

To begin work at once on Sales for Fall of 1882, for the

FONTHILL NURSERIES.

THE LARGEST IN CANADA.

Head Office—Toronto, Ontario.
Branch Offices—Montreal, P. Q. & St. Paul, Minn.

NURSERIES—FONTHILL, ONTARIO.

We can start in addition to our already large force,

100 Additional Canvassers,

and want men who can give full time to the business. Steady employment and good salaries to successful men. It does not matter what your previous occupation has been, if you are willing to work your success is almost certain. The best of references required. Apply to STONE & WELLINGTON, Nurserymen, Toronto, Ont.

HOUSES AND BUILDING LOTS FOR SALE!

MILL AND WELLINGTON STREET

Terms to suit buyers. GEORGE DRAPER 16.

TWO HOUSES AND LOTS FOR SALE.

A two story frame house, 18 x 26, good cellar and well in connection, also a piece of ground containing ¾ of an acre; a young orchard commencing to bear; a good frame stable and driving house ; school on adjoining lot : within ¼ of a mile of railway station. Also a one story frame house, 18 by 24, and lot containing ¼ of an acre, adjoining previous lot. Will be sold together or separately. For further particulars apply to owner W. COGHLIN, Britton's Corners. 15.

MONTHLY CATTLE MARKET IN LISTOWEL. The next Cattle Fair in Listowel will be held on

**Friday, June 2nd,