

An Act to amend Chapter 26 of the Consolidated Statutes for Lower Canada, respecting abuses prejudicial to Agriculture.

**W**HEREAS it is expedient to amend chapter twenty-six of the Consolidated Statutes for Lower Canada, intituled "An Act respecting abuses prejudicial to Agriculture." Therefore, Her Majesty, &c., enacts as follows : Preamble

5 **1.** After the words "such expertise" in the last line of the seventh paragraph of the seventeenth section, shall be added the following provisions, which shall be deemed to form part of the aforesaid seventeenth section : S. 17 of chapter 26 of the Con. Stat. for L. C. amended.

10 "8. Provided always, that the Inspector after having carefully examined the premises and heard the parties may abstain from ordering the *decouvert* demanded, if the proprietor against whom the complaint is preferred, declares that he intends to take the benefits of this provision, declaring that he refuses to make the *decouvert* demanded, in order to preserve the standing timber remaining on his land for the use and indispensable requirements of his family, offering then and there to have the damage which might result from the withholding of the *decouvert* demanded and due, assessed by the said Inspector." New paragraphs added.

20 "9. Provided also, that if the valuation made on the spot by the Inspector is not satisfactory to either of the two proprietors, it shall be lawful for the non-content to choose and appoint another Inspector, and such two Inspectors so appointed shall choose a third with the consent of the parties interested, and in case they cannot agree upon the appointment of a third Inspector, the non-content shall apply to a Justice of the Peace for the Parish or Township in which the contestation takes place, to appoint a third Inspector; and the Justice of the Peace may, if he thinks proper, choose an Inspector from a neighbouring Parish or Township, and cause him to be notified of the fact that he has been so chosen; the third Inspector so appointed shall give verbal notice to the other two Inspectors, and to the parties interested, of the day and hour when they shall proceed to examine the premises; the three Inspectors (two of whom shall have power to assess and decide) shall equitably examine the premises and after having carefully considered and weighed the claims of the parties interested, shall give their judgment (as may also be done by the first Inspector, in case the parties are both content) either under their proper signature or before a Notary, and such judgment shall be final and obligatory, and the judgment shall be registered at the office of the Registrar of the County in which such *expertise* shall have been made, in the same manner as that in which all judgments rendered by Courts of Justice are registered, and such registration shall have the effect of creating a hypothec on the property of the party against whom judgment shall have been rendered." New paragraph.

40 "10. Provided however, that it shall be lawful for the proprietor who shall have refused to grant the *decouvert*, or for his representatives, New paragraph.