

(48)

1854.]

**BILL.**

[No. 48.

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."

**W**HEREAS the eighteenth section of the Act passed in the Preamble.  
5 Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, "In Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the 13 & 14 V. c. 40.  
remedy of abuses prejudicial to Agriculture," which section relates to the enforcing of the right of the proprietor of lands under cultivation to demand a *découvert* along the line separating them from the adjoining lands, contains a Proviso in the words following, "Provided always, that no such *découvert* shall extend to any  
10 orchard, fruit tree or maple tree," and the exception of maple trees therein made, in many instances destroys all the beneficial effects of the said section: Be it therefore enacted, &c.

That the Proviso mentioned in the Preamble shall be and is hereby repealed, and the following Proviso shall be substituted  
15 in lieu thereof, and shall be held to be and construed as a Proviso to the said eighteenth section: "Provided always, that no such *découvert* shall extend to any orchard, or to any cultivated fruit tree planted for the purpose of producing fruit, or to any trees planted for ornament and not being at a less distance than ten feet  
20 from each other."

The proviso to sec. 18 of the said Act repealed and another substituted.