

Proviso.

water-course, and the banks thereof on either side, in that part of this Province which formerly constituted Lower Canada, proper for the floating and conveyance of Wood or Timber, or for the general purposes of navigation, but that all such rivers, rivulets, streams and water-courses, and the banks thereof on either side, to such extent as may be necessary, and in accordance with the laws, usages and customs of that part of this Province which formerly constituted Lower Canada, shall be and remain free to the public, as fully and entirely to all intents and purposes, as if the above recited clause of the aforesaid Act had never been passed, nor made part thereof: Provided always, that all persons so passing, or landing upon the banks of any such river, rivulet, stream or water-course, shall repair immediately thereafter the fences, drains or ditches which they shall have damaged, and be liable for all other damages resulting therefrom.

16 VICT. CAP. 210.—1853.

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.*

Preamble.

Sect. 6 of 13
& 14 V. c. 40,
amended.Justice to
summon and
hear parties
before order-
ing damages
to be assessed,
&c.

WHEREAS it is expedient to amend the Act hereinafter mentioned in certain particulars: Be it therefore enacted, &c., 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.

Sect. 31 of
said Act
amended.Persons inter-
ested in any
water course
verbalized,

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,