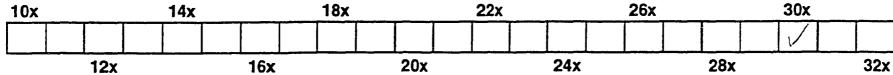
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1st Session, 8th Parliament, 27 Victoria, 186

BILL

An Act to amend chapter fifty-seven of the Consolidated Statutes for Upper Canada respecting Line Fences and Watercourse.

Received and read first time Friday, 25t September, 1863.

Second reading, Monday, 28th Sept., 186:

Mr. AULT.

QUEBEC:

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An Act to amend chapter fifty-seven of the Consolidated Statutes for Upper Canada, respecting Line Fences and Watercourses.

WHEREAS it is expedient to amend the Act respecting Line Fences Preamble: and Watercourses, chapter fifty-seven of the Consolidated Statutes Con. Stat. U. for Upper Canada: Therefore, Her Majesty, by and with the advice C., cap 57: and consent of the Legislative Council and Assembly of Canada, enacts 5 as follows:—

Damages caused by Animals.

1. No proprietor or occupant of land shall be entitled to any penalty No damage nor to any claim for damages against his neighbor, by reason of the for trespass animal or animals of such neighbor coming upon his property, if the bad fences, trespass of such animal or animals should happen in consequence of the 10 bad condition of his own fences; neither shall any owner or occupant of land, his servant or representative, seize or impound, or retain at his or their own place of abode, any animal or animals found wandering on his land, and belonging to his neighbor, unless the fence of that portion of the land trespassed upon is in good repair, and made in conformity 15 with the said Act.

Damages to Line Fences.

2. If any tree or building should be thrown down, by accident or Owner to otherwise, across a line or division fence, or in any way in and upon the move trees, falling property adjoining that upon which such tree or building stood, thereby across a line causing damage to the crop upon such property or to such fence, it fence: 20 shall be the duty of the proprietor or occupant of the premises on which such tree or building theretofore 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 or building; and on his neglect Or his neighor refusal so to do for twenty-four hours after notice to remove the bour may re-25 same, the injured party may remove the same or cause the same to be expense, and removed, in the most convenient and inexpensive manner, and may also recover make good the fence so damaged, and may retain such tree or the ma-damages. terial of such building, as the case may be, to remunerate him for such removal, and may also recover any further amount of damages from the 30 party liable to pay it under this Act: Provided always, that for the purpose of such removal the owner of such tree or building may enter Owner of into and upon said neighboring premises for the removal of the same tree, &c., may without being a trespasser, taking due regard to avoid any unnecessary such removal. spoil or waste in so doing.

35 3. The provision of the said Act for the adjustment of disputes by Provisions as fence viewers, and for the collection and recovery of all or any sum or to adjustment sums of money becoming due thereunder, shall apply to all disputes by fence-arising between parties relative to the matters within the purview of viewers to this Act, and to the collection of all sums of money becoming due there-apply.

40 under.

Provision to compel a party whose fence is carried away to replace it.

4. In the event of any line fence being carried away by water or destroyed by fire, accidentally or otherwise, or removed by the proprietor or occupant, the party whose portion of fence is so destroyed or removed may be notified, either in writing or orally, forthwith to repair or replace such portion; and on his refusing or neglecting so to do, the aggrieved 5 party or parties may proceed under the said Act to summon the fence viewers, in the manner thereby provided, to examine and adjudge in what manner and by whom such repairs shall be done, and their award shall be binding on all parties concerned, and shall be enforced in the manner provided in the said Act.

Interpretation of this Act.

Gonstruction of this Act. Shall be read and construed as forming part of the said first recited Act as fully as though it were embodied in the same.