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No. 103.

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1st Session, 8th Parliament, 27 Victoria 1863.

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**BILL.**

**An Act to prevent the spread of Canada  
Thistles in Upper Canada.**

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Received and read, first time, Tuesday, 8th  
September, 1863.

Second reading, Wednesday, 9th September,  
1863.

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**Mr. STIRTON.**

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**QUEBEC :**

**PRINTED FOR THE CONTRACTORS BY HUNTER,  
ROSE & LEMIEUX, ST. URSULE STREET.**

An Act to prevent the spreading of Canada Thistles in Upper Canada.

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 owner, possessor, or occupant of land in Upper Canada, to cut or to cause to be cut down all the 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 thereof, he shall on conviction be liable to a fine of *ten dollars* for every such offence.
2. It shall be the duty of the overseers of highways in any Township to see that the provisions of this Act shall be carried out within their respective highway districts, by cutting or causing to be cut all the Canada thistles growing on the highways or road allowances within their respective highway districts, and they shall give notice to the owner, possessor, or occupier of any land within said district 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 he shall not be liable to be sued in action of trespass therefor: Provided 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. Each overseer of highways shall keep an accurate account of the expense 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 offer a statement of such expense 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 Township Council of the Township in which such expense was incurred, and the said Township Council is hereby authorized and required to credit and allow such claim, and order the same to be paid from the funds for general township purposes of the township. The said overseer of highways shall also present to the said Township Council a similar statement of the expense incurred by him in carrying out the provisions of the said section upon any non-resident lands; and the said Township Council is hereby authorized and empowered to audit and allow the same in like manner.

Owners of land to cut down thistles growing on their lands.

Penalty.

Duty of overseers of Highways under this Act.

Proviso as to non-resident lands.

Account of expenses to be kept by overseer.

How expenses shall be collected.

**4.** The Municipal Council of the Township shall cause all such sums as have been so paid from the Township Treasury 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 township taxes are levied; and the same when collected shall be paid into the Township Treasury to reimburse the outlay therefrom aforesaid. **5**

Penalty on sale of any seed mixed with thistle seed.  
Penalty on overseer neglecting his duty.

**5.** Any person who shall knowingly vend any grass or other seed among which there is any seed of the Canada thistle, shall for every such offence upon conviction, be liable to a fine of *ten dollars*. **10**

**6.** Every Overseer of Highways who shall refuse or neglect to discharge the duties imposed on him by this Act, shall be liable to a fine of *twenty dollars*.

Recovery of penalties.

**7.** 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 Township in which such conviction takes place. **15**