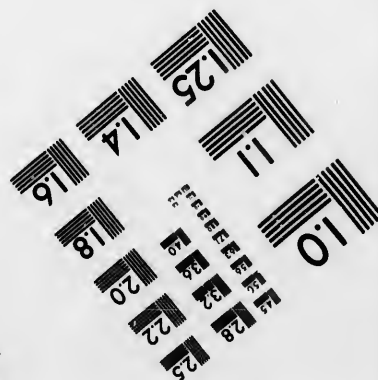
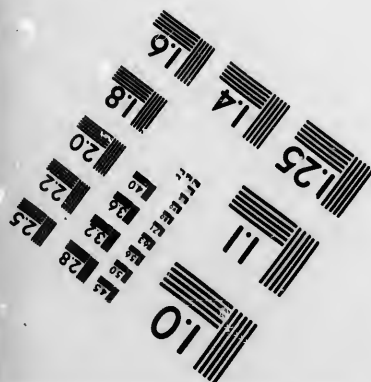
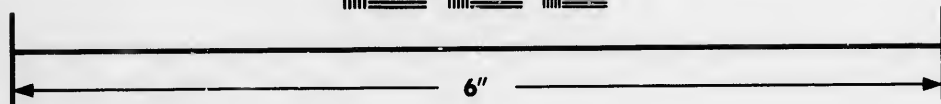
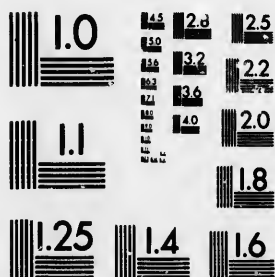


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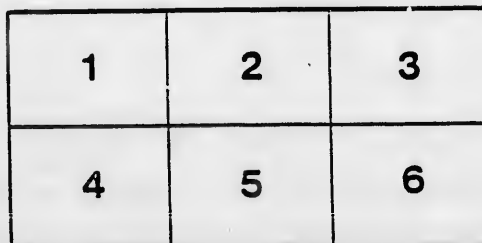
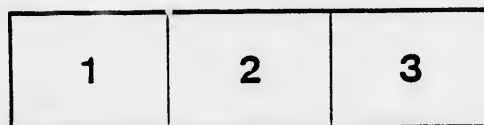
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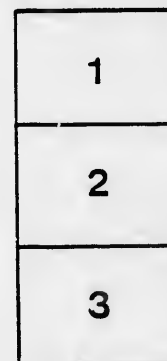
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OF THE
TOWNSHIP OF PICKERING.

P. R. HOOVER, Esq., REEVE.



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REVISED BY-LAWS

OF THE CORPORATION OF THE

TOWNSHIP OF PICKERING.

BY-LAW No. 494.

By-law respecting Pounds and duties of Poundkeepers, and other purposes.

Passed May 7th, 1883.

The Council of the Corporation of the Township of Pickering enacts :
1st. That every Poundkeeper appointed in the Township of Pickering shall, within twenty days after his appointment, make and subscribe the declaration of office according to law.

2nd. That the Corporation of the Township of Pickering shall provide sufficient yards and enclosure for the safe keep of such animals as may be the duty of the Poundkeeper to impound.

3rd. That if not previously replevied each Poundkeeper shall impound every Horse, Bull, Ox, Cow, Sheep, Goat, Pig or other cattle, Geese or other poultry, distrained for unlawfully running at large, or for trespassing and doing damage, delivered to him for that purpose by any resident person within his division who has distrained the same, and shall daily furnish such animals while so impounded with good and sufficient food, water and shelter during the whole time that such animal continues so impounded or confined.

4th. That if within twelve hours from the time of impounding any animal as aforesaid the owner or some person on his behalf does not reclaim the same by paying the Poundkeeper's lawful fees and charges, also of the Fence-Viewers, if any, and the expenses of the animal's feed, and the amount of damage such animal shall have been charged with committing, the Poundkeeper shall immediately, if known to him, notify the owner of the impounding of such animal, and if the owner be not known to him he shall, within forty-eight hours afterwards, cause at least three notices, in the form of Schedule A. to this By-law, to be posted in three public places in the Municipality, and if the animal or animals be in the opinion of two ratepayers on the call of the poundkeeper, under the value of ten dollars, and are not claimed and redeemed by the owner or some person for him, within eight days after posting notices as aforesaid, the Poundkeeper shall proceed

and sell the animal by public auction to the highest bidder, and apply the proceeds of such sale as hereinafter directed, but if the animal or animals be of the value of ten dollars or more, the Poundkeeper in addition to posting notices as aforesaid, shall cause a notice in the form of Schedule B. to be inserted once a week for three successive weeks in the newspaper published nearest to his place, and if the animals are not redeemed within thirty days after the date of the publication of such notice, he shall then sell by auction as aforesaid. Provided always that any poultry or fowls may be sold after four days from impounding the same, and one notice in the form of Schedule A, posted at the Poundkeeper's residence shall be sufficient for such sale.

5th. That any person delivering any animal to be impounded, and intending to claim damages, shall at the time of such delivery notify the Poundkeeper of such claim, and shall within twenty-four hours furnish the Poundkeeper with written duplicate statements, signed by the claimant, showing the amount and particulars of damage claimed, and shall also at the same time, if required by the Poundkeeper, give his written obligation under seal, with surety if required, in form of Schedule C., and the Poundkeeper shall in no case release any animal when damages are claimed until twenty-four hours after the impounding thereof.

6th. That if the owner of any animal within forty-eight hours after the delivery of such statements as herein before provided disputes the amount of damages so claimed, the amount shall be decided by the majority of three Fence Viewers of the Municipality, in the form of Schedule D., one to be named by the owner of the animal, one by the person detaining or claiming damages, and the third by the Poundkeeper. Such Fence Viewers, or any two of them, shall within twenty-four hours notice of their appointment, view the fence and the ground, and determine whether or not the fence was a lawful one according to the Statutes or By-law, and if a lawful fence shall appraise the damages committed, and within twenty-four hours after the view shall deliver to the Poundkeeper a written statement in form of Schedule E. hereof, signed by at least two of them, of their appraisal, and of their lawful fees and charges, and if the said Fence Viewers shall decide that the fence was not a lawful one, they shall certify in writing, with a statement of their lawful fees, to the Poundkeeper as above mentioned, who shall upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof, but if not claimed, or if such fees and charges are not paid, the Poundkeeper, after due notice shall sell the animal in the manner above mentioned at the time and place appointed in the notice; and in default each Fence Viewer shall incur a penalty of Two Dollars, to be recovered according to law.

7th. That when the amount of damages awarded by the Fence Viewers does not exceed the sum that may have been tendered by the owner of the animals, all costs and expenses incurred subsequent to such tender shall be paid by the party detaining the animal.

8th. That when any animal or animals are found straying within the premises of any person resident in the Township, and doing no damage, and the owner thereof unknown to the person, he or she may

destrain the animal, but shall within forty-eight hours after so doing deliver to the Clerk of the Municipality a written notice containing as near as may be a particular description of such animal, its age, color, natural and artificial marks, and as near as may be the estimated value thereof. After giving such notice, the person detaining shall detain the animal, and provide the same with good and sufficient food, water and shelter.

9th. That when any Poundkeeper shall receive notice of any animal being restrained as mentioned in the next preceding Section, he shall proceed to give notice and sell in the same manner as if the animal had been impounded.

10th. That every person detaining any animal, and giving notice thereof to the Poundkeeper as aforesaid, shall be entitled to receive from the owner or the Poundkeeper, the same sum for food and water as allowed to Poundkeepers, and retain the animal until the amount shall have been paid or tendered to him.

11th. That the owner of any animal impounded, shall at any time before the sale thereof be entitled to receive his animal by payment to the Poundkeeper of all lawful fees and charges for damages awarded at the sale of such animal.

12th. That the owner of any animal running at large in the Township shall be liable for damages committed by such animal to the fence enclosing the premises to not of lawful height, or of lawful construction.

13th. That the lawful fence shall not be less than four and one-half feet in height, and no space between the rails within two feet of the ground, to the bottom rail shall be more than six inches wide, and all other spaces not more than one foot wide.

14th. That the fees and charges to be demanded and received under the authority of this By-law shall be as follows, and no more, that is to say :

ANIMALS.	FOR IMPOUNDING.	FOOD & WATER PER DAY.
Horse or Colt.....	each 40 cents	each 40 cents.
Neat cattle, over 2 y'rs old	each 30 "	each 30 "
Neat cattle, 2 y'rs & under	each 25 "	each 20 "
Hogs, over 40 lbs. weight.	each 20 "	each 10 "
Pigs, 40 lbs. and under....	each 10 "	each 5 "
Sheep	each 10 "	each 6 "
Poultry or fowls.....	each 5 "	each 5 "
Posting notices Schedule A,		25 "
Sending notices Schedule B,		25 "
Sending notices to Fence-Viewers, Schedule D,		1.00 "
Actual disbursements for postage and advertising in newspapers.		
Poundkeepers shall also be entitled to take and receive as commission for selling $2\frac{1}{2}$ per cent on the proceeds of sale, and for drawing surety bonds, 20 cents; to collect and pay to persons detaining and delivering to Poundkeeper each horse or colt, 40 cents; neat cattle, each 30 cents; hogs, 20 cents; sheep, 10 cents; poultry or fowls, 5 cents; for delivering notices of distress of strays, 25 cents; to Fence Viewers for each day attending to examine premises, \$2 each, making and delivering award, 50 cents.		

15th. That all monies realised from the sale of any animal under the authority of this By-law, that may remain after deducting the penalty and damages (if any), fees and charges, shall apply the produce in discharge of the value of the good nourishment, loss of time, trouble and attendance supplied as aforesaid, and of the expenses of driving or conveying, and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable, not exceeding \$20, to be ascertained as aforesaid, and shall return the surplus (if any) to the original owner, or if not claimed by him within three months after sale, the Poundkeeper shall pay such surplus to the Treasurer, and form part of the general funds.

16th. That it shall not be lawful for any animal, fowls or poultry, to run at large in the Township of Pickering.

17th. That any entire horse, bull, ram, or boar, found running at large in the Township of Pickering, shall subject the owner thereof, at the option of the person prosecuting, to the penalty as follows, namely: For entire horse, \$8; bull, \$6; ram or boar, \$2; such penalty may be sued for and collected by complainant before any Justice of the Peace for the County, or the animal may be impounded, and the Poundkeeper is hereby authorized to take and receive the said penalty in addition to his regular fees. The said penalty to be one moiety to the Poundkeeper or person prosecuting, and the other moiety to the Township Treasurer, and form part of the general funds.

18th. That all penalties for the neglect of duties by Fence-Viewers under this By-law, may be recovered for the use of the Township by summary proceedings before a Justice of the Peace, upon the complaint of the party aggrieved, the Poundkeeper or the Township Treasurer.

19th. That in case any Poundkeeper, or person who impounds or confines, or causes to be impounded or confined, any animal as aforesaid, refuses or neglects to find, provide or supply the animal with good sufficient food and water and shelter as aforesaid, he shall for every day during which he so refuses or neglects, forfeit a sum of not less than One Dollar, nor more than Four Dollars.

20th. That every fine and penalty imposed by this By-law may be recovered and enforced with costs by a summary proceedings before any Justice of the Peace for the County, and in default of payment, the offender may be committed to the Common Jail of the County, there to be imprisoned for any time in the discretion of the convicting and committing Justice, not exceeding fourteen days, unless the fine and penalty and costs, including the costs of committal be sooner paid, and upon the hearing and trial of any complaint, any person, including the prosecutor, shall be a competent witness, notwithstanding such witness may be entitled to any part of the penalty upon the conviction of the offender.

21st. That every penalty recovered under this By-law shall be paid to the Township Treasurer, and form part of the general funds.

22nd. That the Schedules marked A. B. C. D. & E., annexed to this By law shall form part thereof, and that the forms of the Schedules, or forms to the like effect, shall be sufficient for the purpose of this By-law.

23rd That By-laws Nos. 343 and 464, and all other By-laws, or parts of By-laws of this Corporation which are contrary to, or inconsistent with the provisions of this By-law, shall be and the same are hereby repealed.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

Schedules referred to in the foregoing By-law :

SCHEDULE A.

NOTICE OF IMPOUNDING.

NOTICE is hereby given that on the day of
last, past, at the request of A. B., of this Township, I have impounded
certain animals, to wit : (description of animals), and (if damages are
claimed) the said A. B. claims the sum of dollars for damages
done on his premises by trespass of said animals. If, therefore, the
said animals are not redeemed or replevied, I will sell the same by
public auction to the highest bidder, at at the
hour of o'clock, in the (fore or after) noon, on the day
of 18

Given under my hand at Pickering, this day of 18

C. D.,
Poundkeeper.

SCHEDULE B.

NOTICE.

The following animals, viz : (description) are impounded (or dis-
trained,) at lot No. in the concession of the Township of
Pickering, and will there be sold by public auction on the day
of 18 at the hour of o'clock (a.m. or p.m.,) if
not sooner claimed.

Dated at Pickering, this day of 18

Poundkeeper.

SCHEDULE C.

FORM OF SURETY OBLIGATION.

I (or we) do hereby bind myself (or ourselves) in the sum of (double value of animals) dollars, to pay to the owner of the animals impounded at my (or at request of A. B.) request this day, all the costs and damages the said owner may suffer by reason of such impounding, if it be decided by law that such impounding was unlawful.

Signed and sealed this day of 18
In the presence of

A. B. (L. S.)
C. D. (L. S.)

SCHEDULE D.

NOTICE TO FENCE VIEWERS.

To A B, C D, and E F, fence viewers of the Township of Pickering. Pursuant to by-law of this Township, I do hereby give you notice and require you and every one of you to attend on the premises of G H, situate on lot in the concession of this Township, on the day of instant, at o'clock in the fore (or after) noon, then and there to appraise the damages done on said premises, by reason of the trespass of certain animals belonging to J K, (or some person unknown,) and determine whether or not the fence enclosing the premises was lawful at the time of trespass.

Given under my hand at Pickering, this day of 18
L. M.

Poundkeeper.

SCHEDULE E.

FORM OF AWARD.

TOWNSHIP OF PICKERING) WE, A B, C D, and E F, fence viewers of
TO WIT: the Township of Pickering, having examined the premises and fence enclosing the same of G H, on Lot No. in the concession of this Township, we do hereby award and determine that the fence was (or was not) a lawful fence, and adjudge the damages (if any) to be dollars.

Witness our hands at Pickering, this day of 18

A. B.,
C. D., } Fence Viewers.
E. F., }

BY-LAW No. 495.

Passed May 7th, 1883.

A By-law to provide for regulating and licensing exhibitions of Wax Work, Menageries, Circus-riding, and other such like shows usually exhibited by showmen, and requiring the payment of license fees for authorizing the same.

The Council of the Corporation of Pickering enacts :

1st. That from and after the passing of this By-law it shall not be lawful for any person to exhibit within the Township of Pickering any exhibition of wax-work, menageries, and other such like shows usually exhibited by showmen without first having obtained a license for so doing, as hereinafter mentioned.

2nd. That the sum to be paid for a license as aforesaid shall not be more than Twenty Dollars for each day exhibiting, and no license shall be for less than one day.

3rd. That the Clerk, Reeve, and each Councillor of the Corporation shall have power and authority to issue any license as aforesaid upon the payment by the party or parties requiring such license, of the said sum, within the limits aforesaid, as the person issuing such license shall demand ; said sum to be paid over to the Treasurer of this Corporation within ten days. And a neglect or refusal to exhibit such license upon demand of any ratepayer of the Township shall subject the person so neglecting or refusing, to the same penalty as if said license had not been issued.

4th. That all licenses granted under this By-law may be in the following form,

TOWNSHIP OF PICKERING } In consideration of the sum of
 TO WIT : } Dollars, to me in hand, paid by A. B., this
 license is granted to the said A. B. to exhibit his show (specifying the
 particular kind of show) in the Township of Pickering, on the day
 of 18 ,
 Given under my hand. this day of 18 ,
 C. D.,

(Clerk, Reeve or Councillor, as the case may be.)

5th. That this By-law shall not extend to, or effect Exhibitions, or Shows of any Agricultural or Horticultural Society, or any lecture of a Religious or Scientific character.

6th. That any person or persons contravening, violating, or attempting to evade this By law shall be liable to prosecution and conviction before any one or more Justices of the Peace for the County, and shall upon conviction forfeit and pay a penalty of not less than Two Dollars, or more than Fifty Dollars, as may be determined by the convicting Justice, together with costs. Such penalties and costs may be levied and collected by distress and sale of the goods and chattles of the offender, or the goods and chattles of the exhibition by which the offense was committed, whether such goods or chattles belong to the offender or not, and in case sufficient distress cannot be found the offender may be committed to the Common Jail of the County for any term not exceeding one month.

7th. That every pecuniary penalty recovered under this By-law shall be paid and distributed in the following manner : one moiety to the Township Treasurer, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or the whole penalty to the Treasurer, as the convicting Justice may order.

8th. That By-law No. 181 of this Corporation be and is hereby repealed, provided that the repealing of the same shall not revive any By-law that was repealed by the enacting of the same.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

BY-LAW No. 497.

Passed May 7th, 1883.

A By-Law to restrain and regulate the running at large of Dogs, and to impose a tax on the owners, possessors or harbourers of Dogs, and for killing dogs running at large contrary to this By-Law.

The Council of the Corporation of the Township of Pickering enacts :

1st. That every owner, possessor, or harbourer of a dog within the Township of Pickering, shall be liable to pay the sum of One Dollar yearly for each dog owned, possessed or harboured ; and for each bitch owned, possessed or harboured within the Municipality, the owner, possessor or harbourer shall be liable to pay the sum of Two Dollars yearly.

2nd. That it shall be the duty of the Assessor to enter upon the Assessment Roll (in columns to be kept for that purpose), opposite their respective names, the number of dogs or bitches owned, possessed or harboured, by every person assessed within the Township.

3rd. It shall be the duty of the Township Collector to collect from every person entered upon the Assessment Roll as the owner, possessor or harbourer of a dog or dogs, bitch or bitches, the sum of One Dollar for each dog, and Two Dollars for each bitch ; and he shall have authority to collect the said amounts the same as any other Township rate.

4th. It shall not be lawful for any dog or bitch to run at large from the premises where owned or harboured at any time, within the Township of Pickering, unless accompanied by his owner or one of his family, or some responsible person, and a distance of more than forty rods from such person or premises shall be deemed running at large.

5th. Any dog or bitch known to be rabid shall be immediately destroyed.

6th. If any dog or bitch running at large contrary to this By-law shall attack any person travelling on any street, highway or public place in the Township, or do any damage whatsoever, it shall be deemed an infraction of this By-law.

7th. For every infraction of this By-law, the offender, upon conviction before one or more Justice or Justices of the Peace for the County, shall be liable in the discretion of the said Justice or Justices to a penalty not exceeding Twenty Dollars for each offence, exclusive of costs, to be levied by distress and sale of the goods and chattles of the offender, and in default of such distress, such offender may be committed to the Common Jail at Whitby, for any term not exceeding twenty-one days, or the said offender shall deliver over the said dog or bitch to such Constable of the said County to be destroyed as the said Justice or Justices shall order.

8th. That By-law No. 166, and all other By laws or parts of By-laws, inconsistent with this By-law, are hereby repealed.

HECTOR BEATON,
Clerk,

P. E. HOOVER,
Reeve.

BY-LAW No. 498.

Passed May 7th. 1883.

By-law to regulate the performance of Statute Labor, and define the duties of Overseers.

The Council of the Corporation of the Township of Pickering enacts:

1st. That it shall be the duty of Overseers of Highways to make and subscribe the declaration of office within twenty days after appointment. They shall with the money or Statute labor under their control, keep in repair the roads and bridges in the division for which they have been appointed, and shall protect all side and crossing walks in their divisions from any injury or obstructions. They shall procure from the Township Clerk the road list relating to their division, and within not less than three, nor more than six days previous to the commencement of work notify every person whose name appears on said list and every other male resident of the division; who is over twenty-one, and not over sixty years of age personally and verbally, or in writing, to be left at the usual place of abode of the person notified, stating the time and place, when and where, he requires him to work, and the team or implement, if any, required to work with.

2nd. That any person liable to perform statute labor as aforesaid, may at any time before the time appointed by the Overseer for the commencement of the work, commute for the whole or any portion of such statute labor, by paying to the Overseer the sum of seventy-five cents for each day, provided he acquaint the Overseer of his intention to commute before or at the time he is notified to perform the labor.

3rd. That the Overseer shall cause the statute labor and commutation, or other money, in his hands or under his control for that purpose, to be expended between the 10th day of May and the 21st of July, unless otherwise directed by resolution of the Council, or unless urgent and necessary repairs to the roads or bridges are required at other time, in which case he may expend the whole or any part of such labor or money. If required the Overseer shall give a certificate of the performance of statute labor. He may with the statute labor, cause the destruction of weeds detrimental to good husbandry that may be growing upon the highways, and shall cause railings and guards to be placed at dangerous places, and shall not remove any fence that may be upon any allowance for road without written authority from the Council.

4th. That a day's labor shall consist of eight hours faithful work, exclusive of coming and going. The work of a yoke of oxen or span of horses, with a driver and waggon or plough, shall count for three days, and a horse and cart with driver two days. And no boys or infirm persons shall be taken in lieu of men in any case, unless due allowance be made therefor by agreement with the Overseer and at his discretion; and any person unassessed or assessed under two hundred dollars, who for any cause may be in indigent circumstances, may be relieved from statute labor by any member of the council, in which case the member shall notify the Overseer, and he shall note in his list the name of the indigent relieved, and the name of the member of council by whom relief was granted.

5th. That the Overseer may discharge any person who shall neglect or refuse to perform their labor in a proper manner, and the person so discharged shall be liable to the same penalties as if he had not worked on that day, and the Overseer shall within two weeks after default, prosecute before the Reeve or any Justice of the Peace any person who has neglected to perform his statute labor; and shall return his list to the Township Clerk on or before the first day of September, having entered therein the names of all persons in his division liable to perform statute labor, specifying the number of days performed, or neglected to be performed, and the reasons thereof, together with an account of the expenditure of all monies by him, and the number of days he was employed attending to the duties of his office, such list to be verified by a declaration signed by him before the Township Clerk, on any member of the council to the following effect:

"I, B. C. do sincerely and solemnly declare that the written list contains a just and true account of the matters therein mentioned, to the best of my knowledge and belief.

6th. In case of any unusual or unforeseen casualty causing obstruction or damage to any road or bridge, at a time when the statute labor for the year has been performed, the Overseer shall have power and

authority to call out residents of his division to repair such damage, proportioning the work equally as near as may be, and shall return immediately to the Township Clerk an account of the work so performed, which shall by the clerk be credited to the parties against their first liabilities for statute labor thereafter.

7th. That it shall be the duty of the Overseers in whose divisions are portions of the township lines to expend a fair and just portion of the statute labor in the repair of such township lines.

8th. That it shall be the duty of the overseers at the most convenient time during the time limited for the performance of Statute labor, of which due notice shall be given, to convene a meeting of the persons of the division liable to perform Statute labor therein; and request the persons so assembled to appoint a Chairman, and proceed to select a person to recommend for the office of Overseer for the ensuing year, and in case of a selection, the Chairman shall certify a person so chosen, and the Overseer shall return the certificate with his list.

9th. That an Overseer of Highways may be allowed, in the discretion of the Council, in anticipation of his next year's work, for any time he may devote to the duties of his office above the number of days for which he is liable for statute labor.

10th. That it shall be the duty of Overseers to notify the Council of the existence of any superfluous timber, stones, sand or gravel that may be upon any allowance for road within their division, and under the direction of the Council, to sell and dispose of the same.

11th. That any person in this Township who shall neglect or refuse to comply with the requirements of this By-law shall, upon conviction thereof before any Justice of the Peace for the County, be liable to a fine of not less than Two Dollars nor more than Twenty Dollars, together with the costs of prosecution, to be collected by distress and sale of the goods and chatties of the offender, if not otherwise paid, and if no goods or chatties can be found, then by imprisonment in the Common Jail, with or without hard labor, for any term not exceeding one calendar month.

12th. That By-law No. 345. and all other By-laws of this Council heretofore passed, regulating the duties of Overseers and performance of statute labor, be and the same are hereby repealed.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

BY-LAW No. 499.

Passed May 7th, 1883.

For preventing offences against Public Morals.

The Corporation of the Township of Pickering enacts as follows :
1st. It shall not be lawful for any person within this Municipality

to give intoxicating drink to a minor apprentice or servant without the consent of a parent, master or legal protector.

2nd. It shall not be lawful for any person to post indecent placards, writings or pictures, or write indecent words, or make indecent pictures or drawings on walls or fences in streets or public places within this Municipality.

3rd. It shall not be lawful for any person to be guilty of vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency within this Municipality.

4th. It shall not be lawful for any person to keep a disorderly house and house of ill fame within this Municipality.

5th. It shall not be lawful for any person to be guilty of indecent public exposure of the person, or other indecent exhibitions within this Municipality.

6th. It shall not be lawful for any person to bathe or wash their person in any public water in or near this Municipality.

7th. Every person convicted of an infraction of this By-law shall be liable to a penalty of not less than One Dollar nor more than Twenty Dollars, in the discretion of the convicting Justice or Justices, together with costs of prosecution; such sum if not paid to be levied by distress and sale of the offender's goods and chattles; and in default of distress he may be committed to the common gaol of the County for any term not exceeding twenty days. All fines and penalties inflicted under the authority of this By-law shall be paid over to the Township Treasurer, and form part of the funds of the Corporation.

8th. By-law No. 462 of this Corporation is hereby repealed.

HECTOR BEATON,

Clerk.

P. R. HOOVER,

Reeve.

BY-LAW No. 500.

Passed May 7th, 1883.

A By-law to prevent or regulate the firing of guns or other arms, and the firing or setting off of fire-balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace.

The Corporation of the Township of Pickering enacts as follows:

1st. That it shall not be lawful for any person or persons to fire off guns or other fire-arm, or fire or set off fire-balls, squibs, crackers, or

fireworks, or charivari or cause any like disturbances of the peace in any street or public place within this Municipality.

2nd. It shall not be lawful for any person to be guilty of ringing of bells, blowing of horns, shouting and other unusual noises in streets or public places within this Municipality.

3rd. Every person convicted of an infraction of this By-law shall be liable to a penalty of not less than One Dollar nor more than Twenty Dollars, in the discretion of the convicting Justice or Justices, together with costs of prosecution; such sum if not paid to be levied by distress and sale of the offender's goods and chattles, and in default of distress he may be committed to the Common Gaol of the County for any term not exceeding twenty days. All fines and penalties inflicted under the authority of this By-law shall be paid over to the Township Treasurer, and form part of the funds of the Corporation.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

BY-LAW No. 501.

Passed May 7th, 1883.

A By-law to prescribe the salaries and remuneration of the several Township Officers hereinafter named.

The Council of the Corporation of Pickering enacts:

1st. That the salaries of the several Township Officers shall be the sums set opposite their respective names:—

To the Treasurer the sum of \$125 yearly, in lieu of all percentages; to the Township Clerk, \$375 per annum; to the Assessor the sum of \$150; to the Collector the sum of \$150 in lieu of all percentages; to each Deputy Returning Officer the sum of \$4 per day during elections; to each Auditor the sum of \$10; to each Councillor \$2 per day, and 10 cents per mile for each mile necessarily travelled to attend meetings of the Council; to the Hall-keeper \$25.

2nd. And be it further enacted, that the salaries herein mentioned shall be computed from the first day of January, 1883, and that By-law No. 348, and all other By-laws, or parts of By-laws, of the Corporation, contrary to, or inconsistent with the provisions of this By-law, shall be, and the same are hereby repealed.

HECTOR BEATON,
Clerk,

P. R. HOOVER,
Reeve.

BY-LAW No. 502.

Passed May 7th. 1888.

A By-law to remove obstructions from Road Allowances in the Township of Pickering.

The Council of the Corporation of the Township of Pickering enacts:

1st. That from and after the passing of this By-law, it shall be the duty of the Reeve or head of the Corporation for the time being, on application to him in writing, made by any Freeholder, or Householder of the Township for that purpose, to summon any person or persons having any part of any allowance for road within this Township, enclosed by a lawful fence, or otherwise obstructed, to attend the next meeting of the Council, (held not sooner than eight days from the date of such summons) stating the time and place where such meeting will be held, to shew cause, if any, why he or they shall not cause such obstructions to be immediately removed.

2nd. That when the parties interested in the removal of any obstructions upon any road allowance, as aforesaid, shall have had an opportunity to be heard before the Council in reference thereto, it shall be lawful for the Council to order the removal of such obstructions within such time as it may deem expedient.

3rd. That any neglect or refusal to obey any order made under the authority of this By-law, shall subject the offender to a penalty for every such offence, of a sum not less than One Dollar, nor more than Fifty Dollars, together with costs. Such penalty and costs may be recovered and enforced by summary conviction under the Summary Convictions Act, before any Justice of the Peace of the Township, and in default of payment the offender may be committed to the Common Gaol of the County, there to be imprisoned for any time not exceeding Twenty-one days, unless the fine and penalty and costs, including the costs of committal, be sooner paid.

4th. That every penalty recovered under this By-law, shall be paid to the Treasurer of the Township, and form part of the general funds.

5th. That By-law No. 67 of this Corporation, be, and the same is hereby repealed.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

BY-LAW No. 503.

Passed May 7th, 1888.

By-law for the protection of Side and Crossing-walks in the Township of Pickering.

The Council of the Corporation of the Township of Pickering enacts:

1st. That from and after the passing of this By-law, it shall not be lawful for any person or persons to ride upon, improperly use, or in any way damage, or place any obstructions upon any side or crossing-walk, which is now or hereafter may be made in this township.

2nd. That any person convicted of so doing before any Justice of the Peace for the County, shall for every such offence, forfeit and pay a penalty of not less than one dollar, nor more than twenty dollars, together with costs of prosecution, which penalty and costs, if not otherwise paid, may be collected by distress and sale of the goods and chattels of the offender, and if there be no such goods or chattels, then such offender may be imprisoned in the County Jail for any period not exceeding one month.

3rd. That all penalties recovered under this by-law shall be paid to the Overseer of the division where the offence was committed, and be by such Overseer expended for the benefit of the roads in such division.

4th. That by-law No. 57 of this Corporation be, and the same is hereby repealed.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

BY-LAW No. 504.

Passed May 7th, 1883.

A By-law to encourage the Planting of Ornamental Trees on the several streets, highways and public places of the Municipality of the Township of Pickering, and to protect the same from loss, mutilation or destruction.

Whereas it is desirable to encourage the planting of trees for shade and ornament, on the several streets, highways, and public places within this municipality, and to protect those already planted from loss, mutilation or destruction.

It is therefore enacted by the Municipal Council of the Township of Pickering.

1st. That no persons shall remove, mutilate or destroy any ornamental tree planted, or that may hereafter be planted in any of the streets, highways and other public places within the limits of this Municipality, without a permit in writing from the Reeve thereof, and no owner or driver of any horse or other animal shall suffer them to destroy any tree as assessed under the penalties mentioned in the last clauses of this Act.

2nd. No person, except by permission of the Reeve, shall climb, break, peel, cut, deface, either by posting bills of any description or

otherwise remove, injure, or destroy any of the trees now growing, or which shall hereafter be planted in the streets, highways or public places of this Municipality, and no person shall in any way fasten any horse or other animal to any of said trees, or allow any animal owned by him, or under his control, to stand so near to the same that they may be gnawed or otherwise injured by any horse or other animal so fastened or permitted to stand.

3rd. Any person violating the provisions of sections 1 and 2 of this by law shall be subject to the penalty in the last section mentioned.

4th. That any person who shall plant any ash, bass-wood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, spruce, walnut, or whitewood tree on any highway, or on any boundary line of farms, or within six feet of such boundary lines, within this Municipality, at a distance of not less than thirty feet apart shall be entitled in abatement of stature labor or out of the general funds thereof a sum of not less than twenty-five cents for every tree so planted that is found to be thrifty and in a flourishing condition at the expiration of three years from the date of said planting.

5th. It shall be the duty of the Inspector hereinafter appointed to examine and report as to the number and condition of the trees planted as aforesaid to the Clerk of this Municipality. Also posters shall be put up in at least six conspicuous places within this Municipality, giving notice of the penalty for injuring shade trees.

6th. Any person guilty of an infraction of this by-law shall, upon conviction thereof before a Justice of the Peace forfeit and pay such sum of money, not exceeding twenty-five dollars besides costs, as such Justice may award, and in default of payment the same may be levied of the goods and chattels of the person offending, or such person may be imprisoned in the Common Gaol of the County for a period not exceeding thirty days.

7th. That D. B. Nighswander be and is hereby appointed Inspector of trees, whose duties shall be as defined in the "Ontario Tree Planting Act, 1883," and in this by-law, and his remuneration for such services shall be \$2 per day while engaged in such work.

HECTOR BEATON,
Clerk.

P. R. HOOVER,
Reeve.

Extracts an Act to encourage the Planting and Growing of Trees.

4. Any person owning land adjacent to any highway, or to any public street, lane, alley, place or square in this Province, may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same.

Any owner of a farm or lot of land may, with the consent of the

owner or owners of adjoining lands, plant trees on the boundary lines of his farm or lot.

Every such tree so planted on any such highway, street, lane, alley, place or square, shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree; and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots.

Every tree now growing on either side of any highway in this Province shall upon, from, and after the passing of this Act be deemed to be the property of the owner of the land adjacent to such highway, and nearest to such tree, shrub or sapling.

5. The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, spruce, walnut, or whitewood tree, which shall, under the provisions of this Act, be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

Such by law shall further provide for the appointment of an inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the Council; for the conditions on which bonuses may be paid; and generally for such regulations as are authorized by chapter one hundred and seventy-four of the Revised Statutes of Ontario, section 454 (16).

Printed copies of the said by-law, together with sections, four, five, six and seven of this Act, shall be posted throughout the municipality, and all claims made to the council under the provisions of the by-law shall be referred to the inspector to obtain proof of the same and report thereon.

6. The inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the distance between any one tree and the tree nearest thereto is not less than thirty feet, that the trees have been planted for a period of three years, and that they are alive, healthy, and of good form; and upon the adoption of such report the bonuses or premiums shall be paid.

7. The Treasurer of the Province, upon receiving a copy of the inspector's report, certified by the reeve and clerk, shall recon to the treasurer of the municipality one-half of the sum paid by the municipality under the authority of this Act, the said copy to be forwarded on or before the first day of November in each year.

AN ACT RESPECTING LINE FENCES.—CHAPTER 198.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as "*The Line Fences Act*."

2. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence, they shall so make, keep up and repair the same proportion, which is to mark such boundary ; and owners of unoccupied lands which adjoin occupied lands, shall upon there being occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. 37 V. c. 25, s. 2.

3. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted :

Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence-viewers of the locality to arbitrate in the premises.

Such owners so notifying shall also notify (Form 2) the Fence-viewers not less than one week before their services are required.

The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person resident thereat ; or in case of such lands being untenanted, by leaving such notice with any agent of such owner.

The owners notified may, within the week, object to any or all of the Fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 37 V. c. 25, s. 3.

4. An occupant, not the owner of the land notified in the manner above mentioned, shall immediately notify the owner ; and if he neglects to do so, shall be liable for all damage caused to the owner by such neglect. 37 V. c. 25, s. 9.

5. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and the witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 37 V. c. 25 s. 4.

6. The Fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute : which award shall specify the locality, quantity, description and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the cost of the proceedings shall be paid, or whether either party shall pay some proportions of such costs.

In making such award, the Fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the

persons between whom they arbitrate, and generally the suitableness of the fence ordered to the wants of each party.

Where, from the formation of the ground, by reasons of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the Fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

If necessary, the Fence-viewers may employ a Provincial Land Surveyor, and have the locality described by metes and bounds. 37 V. c. 25, s. 5.

7. The award shall be deposited in the office of the Clerk of the Council of the Municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. 37 V. c. 25, s. 6.

8. The award may be enforced as follows:—The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of such notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality; but the Judge of such Division Court may, on application of either party, extend the time for making such fence to such time as he may think just. 37 V. c. 25, s. 7.

9. The award shall constitute a lien and a charge upon the lands respecting which it is made, when it is registered in the Registry Office of the County, or other Registration Division in which the lands are.

Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of "*The Registry Act*." 37 V. c. 25, s. 8.

10. The Fence-viewers shall be entitled to receive two dollars each for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. 37 V. c. 25, s. 10.

11. Any person dissatisfied with the award made, may appeal therefrom to the Judge of the County Court of the County in which the lands are situate, and the proceedings on such appeal shall be as follows:

The appellant shall serve upon the Fence-viewers, and all parties interested, a notice in writing of his intention to appeal within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. 37 V. c. 25, s. 11; 40 V. c. 7, *Sched. A.* (202); 40 V. c. 8, s. 58.

12. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of Fence-viewers. 37 V. c. 25, s. 12.

13. The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence.

(a) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure;

(b) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum, to be determined as provided in the sixth section of this Act.

(c) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the Fence-viewers may award to be paid therefor under the sixth section of this Act. 40 V. c. 29, s. 1.

The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands; the manner of enforcing awards and appeals therefrom; and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. 40 V. c. 29, s. 2.

14. If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree 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.

On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may

also recover any further amount of damages beyond the value of such tree from the party liable to pay it under this Act.

For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing

All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three Fence-viewers of the Municipality, two of whom shall agree. 29-30 V. c. 51, s. 355 (28).

15. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances, 37 V. c. 25, s. 13.

SCHEDULE OF FORMS.

FORM I.

(Section 3.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. _____, Mr. _____, and Mr. _____, three Fence-viewers of this locality, will attend on the _____ day of _____, 18____, at the hour of _____, to view and arbitrate upon the line fence in dispute between our properties, being Lots (or parts of Lots) *One* and *Two* in the _____ Concession of the Township of _____ in the county of _____

Dated this _____ day of _____, 18____.

A. B.,

To C. D.,

Owner of Lot 1.

Owner of Lot 2,

FORM 2.

(Section 3.)

NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at _____ on the _____ day of _____, A.D. 18____, at _____ o'clock A.M., to view and arbitrate on the line fence between my property and that of Mr. _____, being Lots (or parts of Lots) Nos. *One* and *Two* in the _____ Concession of the Township of _____, in the County of _____

Dated this _____ day of _____, 18____.

A. B.,

Owner of Lot 1.

FORM 3.

(Section 6.)

AWARD.

We, the Fence-viewers of (*name of the locality*), having been nominated to view and arbitrate upon the line fence between

by (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to "*The Line Fences Act*," do award as follows: That part of the said line which commences at

and ends at (*describe the points*) shall be fenced, and the fence maintained by the said , and that part thereof which commences at and ends at (*describe the points*) shall be fenced, and the fence maintained by the said

The fence shall be of the following description (*state the kind of fence, height, material, &c.*) and shall cost at least per rod.

The work shall be commenced within days, and completed within days from this date, and the costs shall be paid by (*state by whom paid; if by both, in what proportion*).

Dated this day of , A.D. 18 .

(*Signatures of Fence-viewers.*)

FORM 4.

(Section 12.)

AGREEMENT.

We and , owners respectively of Lots (or parts of Lots *One* and *Two* in the Concession of the Township of in the County of , do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated this day of , A.D. 18 .

(*Signatures of parties.*)

AN ACT RESPECTING DITCHING WATER-COURSES.

CHAPTER 199.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Ditches and Water-Courses Act*."
2. This Act shall not affect the Acts relating to Municipal Institu-

tions or the Acts respecting Drainage, as this Act is intended to apply to individual, and not to public or local interests, rights or liabilities. 38 V. c. 26, s. 2.

3. In case of owners occupying adjoining lands which would be benefited by making a ditch or drain, or by deepening or widening a ditch or drain already made in a natural water course, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry land, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain, according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened, by the said owners respectively, and their successors in such ownership, in such proportions as they have been so opened, deepened or widened, unless in consequence of altered circumstances the Fence-viewers hereinafter named otherwise direct, which they are hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening; and in case the Fence-viewers find no reason for such application, all costs caused thereby shall be borne by the applicant. 38 V. c. 26, s. 3.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:

Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three Fence viewers of the locality to arbitrate in the premises.

Such owner so notifying shall also notify (Form 2) the Fence-viewers not less than one week before their services are required.

The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of a non-resident, by leaving such notice with any agent of such owner.

The owner notified may, within the week, object to any or all of the Fence-viewers notified; and in case of disagreement the Judge hereinafter mentioned shall name the Fence-viewers who are to arbitrate. 38 Vic. c. 26, s. 4.

5. An occupant not the owner of land notified in the manner above-mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. 38 V. c. 26, s. 12.

6. The Fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation as in Courts of Law. 38 V. c. 26, s. 5.

7. The Fence-viewers shall make an award (Form 3) in writing, signed by any two of them, respecting the matters so in dispute, which award shall specify the locality, quality and description and cost of the ditch or drain it orders to be made, and the time within which the

work shall be done; and shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs.

In making such award the Fence-viewers shall regard the nature of the ditches or drains in use in the locality, and generally the suitability of the ditch or drain ordered to the wants of the parties; and the Fence-viewers may, if they think necessary, employ a Provincial Land Surveyor for the purpose of taking levels, or of making a plan for the parties to follow in making the ditch or drain, or for other purposes.

If the expense of the ditch or drain exceeds the expense as estimated by the Fence-viewers, the same Fence-viewers may be again notified in the same manner herein provided, and shall attend, and if they see fit, make a supplementary award respecting such expense, which award shall have the same effect, and may be dealt with in all respects as if it were part of the first award. 38 V. c. 26, s. 6.

If it appears to the Fence-viewers that the owner or occupier of any tract of land is not sufficiently interested in the opening up the ditch or water-course to make him liable to perform any part thereof, and at the same time that it is necessary for the other party that such ditch should be continued across such tract, they may award the same to be done at the expense of such other party; and after such award, the last mentioned party may open the ditch or water-course across the tract, at his own expense, without being a trespasser. 40 V. c. 8, s. 59.

8. The award and any plan made as above provided for, shall be deposited in the office of the Clerk of the Municipality in which the lands are situate, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given to all parties interested. 38 V. c. 26, s. 7.

9. The award shall constitute a lien and charge upon the lands respecting which it is made when it is registered in the Registry Office of the County or other Registration Division in which the lands are.

Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any instrument which is within the meaning of "*The Registry Act.*" 38 V. c. 26, s. 9.

10. The award may be enforced as follows: The person desiring to enforce it, provided the work is not done within the time specified by the award, may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality: but the Judge of such Division Court may, on application of either party, extend the time for making such ditch to such time as he may think just. 38 V. c. 26, s. 8.

11. The Fence-viewers shall be entitled to receive two dollars for every day's work under this Act. Provincial Land Surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. 38 V. c. 26, s. 13.

12. Any person dissatisfied with the award made may appeal therefrom to the Judge of the County Court of the County in which the lands are situate; and the proceedings on such appeal shall be as follows :

The appellant shall serve upon the Fence-viewers and all parties interested, a notice in writing of his intention to appeal, within a week from the time he has been notified of the award, which notice shall be served as other notices mentioned in this Act.

The appellant shall also deliver a copy of such notice to the Clerk of the Division Court of the Division in which the land or a portion thereof lies, and the Clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said Clerk as will be a sufficient indemnity against costs of the appeal.

The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the Clerk, who shall notify the Fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

The Judge shall hear and determine the appeal, and set aside, alter or affirm the award, correcting any error therein, and he may examine parties and witnesses on oath, and, if he so pleases, inspect the premises, and he may order payment of costs by either party, and fix the amount of such costs.

His decision shall be final; and the award, as so altered or confirmed shall be dealt with in all respects as it would have been if it had not been appealed from, 38 V. c. 26, s. 14.

13. In case any Municipal Corporation would be benefited by the construction of such ditch or drain, such Corporation shall be in the same position as an individual owner under this Act. 38 V. c. 26, s. 10 40 V. c. 8, s. 60.

14. In case any person during or after the construction of the ditches or drains herein provided for, desires to avail himself of such ditches or drains for the purpose of draining other lands than those contemplated by the original proceedings, he may avail himself of the provisions of this Act, as if he were or had been a party to such original proceedings, but no person shall make use of the ditches or drains constructed under the provisions of this Act unless under agreement or award pursuant to its provisions as to use of the land of others, as to enlargement of the original ditch or drain, so as to contain additional water therein, and as to the time for the completion of such enlargement. 38 V. c. 26, s. 11.

15. Any agreement in writing (Form 4), between owners respecting such ditch, may be filed or registered, and enforced as if it was an award of the Fence viewers. 38 V. c. 26, s. 15.

16. The forms in the Schedule hereto are to guide the parties, being varied according to circumstances. 38 V. c. 26, s. 16.

SCHEDULE OF FORMS.

FORM I.

(Section 4.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. _____, Mr. _____, and Mr. _____, three Fence-viewers of this locality, will attend on the _____ day of _____, 18____, at the hour of _____, to view our properties, being Lots (or parts of Lots) *One* and *Two* in the Concession of the Township of _____ in the county of _____, and arbitrate respecting the ditch in dispute upon our said Lots.

Dated this _____ day of _____, 18____, A. B.,
Owner of Lot 1.

To C. D.,
Owner of Lot 2.

FORM 2.

(Section 4.)

NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at _____ on the _____ day of _____, A.D. 18____, at _____ o'clock A.M., to view my property and that of Mr. _____, being Lots (or parts of Lots) Nos. *One* and *Two* in the Concession of the Township of _____ in the County of _____ and arbitrate on the ditch required on said Lots.

Dated this _____ day of _____, 18____, A. B.,
Owner of Lot 1.

FORM 3.

(Section 7.)

AWARD.

We, the Fence-viewers of (*name of the locality*), having been nominated to view and arbitrate between (*name and description of owner*)

who notified) and (name and description of owner notified), upon a ditch required upon the property of (name of owner notified), which ditch is to be made and maintained on said property; and having examined the premises and duly acted according to *The Act respecting Ditching Water-courses*, do award as follows: A ditch shall be made and maintained by the said _____ commencing at (state point of commencement and then give course and point of ending): The ditch shall be of the following description (state kind of ditch, depth, width, &c.; if a plan has been made by Provincial Land Surveyor, describe course, kind of ditch, &c., by reference to plan). The work shall be commenced within _____ days, and completed within _____ days from this date, and the costs shall be paid by (state by whom to be paid; and if by both, in what proportion).

Dated this _____ day of _____, A.D. 18 _____
 Witness: _____ (Signatures of Fence-viewers.)

FORM 4.

(Section 15.)

AGREEMENT.

We _____ and _____, owners respectively of Lots (or parts of Lots One and Two in the _____ Concession of the Township of _____ in the County of _____, do agree that a ditch shall be made and maintained by us as follows: (follow the same form as in award.)

Dated this _____ day of _____, A. D. 18 _____
 Witness: _____ (Signatures of parties.)

AN ACT TO AMEND THE LINE FENCES ACT.

Assented to 7th March, 1878.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the Line Fences Act, being chapter one hundred and ninety-eight of the Revised Statutes of Ontario, the expression "occupied lands," shall not include so much of a lot, parcel or farm as is unenclosed, although a part of such lot, parcel or farm is enclosed and in actual use and occupation.

AN ACT TO AMEND THE REVISED STATUTE RESPECTING DITCHING WATER COURSES.

Assented to 7th March, 1878.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following shall be added to and shall form subsection five to section four of the Revised Statute respecting ditching water courses.

Where the lands are situate in different municipalities, the said Fence-viewers shall be selected as follows : two from the Fence-viewers of the municipality in which the land of the other owner or occupant so notified is situate, and the third from the Fence-viewers of the municipality in which the land of the party giving the notice is situate. In case of a disagreement as provided in subsection four of this section, the county judge may appoint the Fence-viewers indifferently from either or both municipalities.

2. The judge referred to in subsection four of section four, and in section twelve of the Revised Statute; the clerk of the municipality referred to in section eight; and the clerk of the division court referred to in subsection two of section twelve, shall be respectively the judge of the county court of the county, the clerk of the division court of the division, and the clerk of the municipality wherein the land of the owner to be notified lies.

3. Section three of the said Act is hereby amended by adding after the word "adjoining" in the first line, the words "or adjacent."

AN ACT RESPECTING DITCHING WATER-COURSES.

Assented to 5th March, 1880.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section three of Chapter one hundred and ninty nine of the Revised Statutes is hereby amended by striking out the word "occupying," in the first line of said section and substituting therefor the word "of."

2. Sub-section three of section four of the said Act is hereby amended by striking out all the words after the word "resident" in the sixth line of the said sub-section and inserting the words "by mailing such notice to, or leaving the same with, any agent of such owner or by mailing such notice to the last known place of residence of such

section three of section seven of the said Act is hereby

We, the By adding thereto the following proviso :
nated to view

"Provided always that in the case of the death or removal from the municipality of any such fence-viewers or his or their ceasing to be fence-viewers, another or other fence-viewer or fence-viewers may be notified in the place of him or them so dying, removing out of the municipality or ceasing to be fence-viewers, but there shall be the same right of objecting to the substituted fence-viewers as is given by sub-section four of section four of this Act, and in case of such objection being made the judge shall name the fence-viewers who are to arbitrate."

4. The eighth section of the said Act is hereby repealed and the following substituted therefor :

The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, within ten days after the making thereof, and the award and plan shall be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given by the clerk of such municipality to all parties interested, within three days after their deposit.

