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No. 13.

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3d Session, 5th Parliament, 20 Victoria. 1857.

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**BILL.**

An Act to amend the several Acts to remedy  
abuses prejudicial to Agriculture.

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Received and read, first time, Tuesday, 3rd  
March, 1857.

Second Reading, Friday, 6th March, 1857.

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MR. BUREAU.

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TORONTO :  
PRINTED BY JOHN LOVELL, YONGE STREET

**An Act to amend the several Acts to remedy abuses prejudicial to Agriculture.**

**B**E it enacted, etc., as follows :

I. It shall be lawful for the Inspectors of Fences and Drains, by action instituted before a Justice of the Peace or any Court for the summary decision of small causes, to recover the charges and expenses which they are entitled to receive in virtue of the thirty-fifth Section of the Act, 13th 5 and 14th Vic., chap. 40. Inspectors may recover charges, &c.

II. The record of the election of a Syndic, Overseer, or Superintendent, referred to in the Act 13th and 14th Vic., chap. 40, shall be deposited in the office of a Notary or of a Justice of the Peace residing in one of the Parishes or Townships through which any water course passes, and in case several 10 parishes shall be interested in such water course, and there shall not be either a Notary or a Justice of the Peace residing in the Parish or Township, or in the Parishes or Townships through which a water course in any *procès-verbal* referred to, passes, the depositing of the record of the appointment of a Syndic, Overseer or Superintendent shall be made at 15 the Office of a Notary or Justice of the Peace of one of the neighbouring Parishes or Townships through which the water course passes. Where record of election of a Syndic shall be deposited.

III. The record of the election of a Syndic, Overseer or Superintendent, or an authentic copy of such record of election, shall be served upon the person who shall have been elected or appointed to such office, to 20 superintend the works in and about any water course, unless the person elected consider the said election itself to be sufficient notification. Notice to person elected.

IV. Every Notary or Justice of the Peace shall be bound to deliver copies of any record of election of a Syndic, Overseer or Superintendent, and also of an act of deposit of the said record of election, when 25 he shall have become the depositary thereof, in virtue of the provisions of the law. Notary or Justice to deliver copies of records deposited with him.

V. Any Notary or Justice of the Peace shall be entitled to receive as his fee for copies of the record of election, the depositing thereof, and for 30 the other documents relating thereto, *six pence* for every hundred words, Fees to Notaries or Justices. and *two shillings and six pence* for the certificate establishing by one and the same certificate the authenticity of the documents hereinbefore mentioned.

- Expense of appointment of Syndic. VI. The charges arising out of and accessory to the appointment of a Syndic, Overseer or Superintendent shall be paid in equal proportions by all the parties interested in the water course, on account of which the said appointment shall have been made, without reference to the value or extent of the land of each interested party. 5
- Syndic to have a right of action for such expense. VII. The Syndic, Overseer or Superintendent who shall have been elected, shall collect the charges in the next preceding sections mentioned, and shall have a right of action for the recovery of the said charges, with costs, before any Justice of the Peace or any Court for the summary decision of small causes. 10
- Meeting for election of Syndic, where to be held. VIII. Every meeting for the appointment of a Syndic, Overseer or Superintendent, to superintend the works in and about a water course, may be held either at the office of a Notary or Justice of the Peace, or in the public Hall of the inhabitants of the locality through which the water course passes, for which it is proposed to appoint a Syndic, Overseer or Superintendent, or at any other place as near as possible to the residences of the parties interested and which shall be so considered by the person who shall call the meeting for the purposes aforesaid. 15
- Record of election, &c., how executed. IX. Every record of the election of Syndic, Overseer or Superintendent, and the depositing of such record, and every *procès-verbal* of any water course, shall be made and executed by an authentic Act before Notaries. 20
- Formalities attending homologation. X. Any *procès-verbal* of a water course, or any copy thereof, the homologation whereof shall be applied for, shall be deposited at least eight days before the day fixed for its homologation, in the office of the Justice of the Peace before whom it is to be homologated; the said *procès-verbal* or an authentic copy thereof, shall also be deposited in the office of the Secretary-Treasurer of the Municipality of the Parish or Township in which the said *procès-verbal* of a water course is to be presented for homologation, and communication thereof shall be given to all persons interested. 25  
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- Time of election. XI. The election of a Syndic, Overseer or Superintendent may take place at any time of the year, and not only at the period fixed for the annual election of Municipal Officers as prescribed by the Act 16 Vict., chap. 210, section second.
- Certain elections rendered valid. XII. The elections of Syndics, Overseers or Superintendents, which may have been held contrary to the provisions of the Act 16 Vict., chap. 210, section second, shall be hereafter considered as having been duly held, and the said Syndics, Overseers and Superintendents shall be invested with all the powers conferred upon them in virtue of their office. 35
- Penalties against persons obstructing course of streams. XIII. Any person who shall fell a tree, or who shall allow a tree to be blown by the wind or otherwise, into any river, brook or water course, and shall allow such tree to remain therein and thereby obstruct the same, shall incur a penalty not exceeding five shillings, nor less than one shilling and three pence currency, for every day during which such tree shall so remain after the expiration of four days from the time at which he shall have been required by the person or persons interested, to remove the said tree, over and above all damages which may result therefrom; and which may be recovered with costs by the Syndic, Overseer, or Superin- 40  
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tendent of the said river, brook or water course, or by the Municipality of the Parish or County, before any Justice of the Peace or the Commissioner's Court for the summary decision of small causes, to any amount not exceeding the sum of £6 5s., and in case the damages should exceed the said  
5 sum, before any Civil Court having competent jurisdiction.

XIV. In the case of any appeal with reference to the said Syndics, Overseers or Superintendents, or the inspectors or overseers of fences and drains for the revision or annulling of any judgment brought in any Court of Appeals, by Writ of *Certiorari* or otherwise, it shall not be lawful in  
10 any such action in appeal to plead the exception *à la forme* The action in appeal shall be decided on the merits. <sup>In case of appeal from judgments.</sup>