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No. 191.

3rd Session, 6th Parliament, 23 Victoria, 1860.

BILL.

An Act on the subject of Drainage.

Received and read, first time, Tuesday, 17th
April, 1860.

Second reading, Thursday, 19th April, 1860.

Hon. Mr. CAMERON.

QUEBEC :

PRINTED BY THOMPSON & CO., ST. URSULE STREET.

An Act on the subject of Drainage.

WHEREAS great difficulty is experienced in the efficient drainage of level lands in this Province, from the want of any united action or uniformity of effort on the part of the numerous independent owners of property in the same neighbourhood ; And whereas it is impossible successfully to cultivate lands so situated, unless a proper escape be provided for the water : Therefore, Her Majesty, &c., enacts at follows :—

Preamble.

1. Wherever the natural inclination of the land tends to draw down the water over the same, it shall be lawful for the owner of any such lands to open up a good and sufficient ditch across his land, so as to afford a proper discharge of the water flowing from the lands immediately above, whenever he shall be called upon to do so by the occupier of the same ; and upon the completion of the lower ditch it shall be lawful for the owner or occupier of the land above to extend the said ditch so as to cause the rapid collection and discharge of the water from his own land.

Owners of lands to open water-courses for discharge of water flowing over them.

2. And whenever the owner of any such lands shall neglect or refuse to open the said ditches, or any dispute shall arise between the owners or occupiers of adjoining lands in relation to the drainage thereof, it shall be lawful for the Fence Viewers appointed for the Municipality in which the lands lie, to go upon and view the same when called upon so to do by the parties concerned, and to make their award, to determine and allot the portions of work to be done by the different parties in the premises, and to appraise the value of the same when finished : And it shall be lawful for the owner of the higher land thereupon to enter upon the lands below him, and to form the ditch deemed necessary by the Fence Viewers, and the value of the work so done shall be proved and recovered by him in the same manner as other debts, or by distraint by the order of the Judge of the County Court ; and in case no distraint be found upon the premises, a portion of the land may be sold forthwith to liquidate the debt.

Proceedings if any owner refuses so to do.

3. And it shall be lawful for all parties, from year to year, and at all times thereafter, to keep the said ditches cleared, and free from all deposits of earth and other obstructions to the flow of the water through their lands.

Parties to keep them clear.

4. And whenever the majority of the inhabitants of any locality in a Township shall desire a main water course to be opened at their joint expense through their lands, and shall petition their Township Council so to do, it shall be lawful for the Council to issue a debenture for the value of the work named, and payable by assessment on the lands through which the water course runs.

Assessment for main water-course.

When lands
lie in more
than one Mu-
nicipality.

5. And whenever any dispute shall arise with regard to any water course through lands which lie in different Municipalities, all matters in relation thereto shall be referred for settlement, as hereinbefore enacted, to the Fence Viewers of the Municipality in which the land lies, in the same manner as if both parties resided in the same Municipality. 5

Appeal from
Fence View-
ers to an En-
gineer, &c.

6. And it shall be lawful for every Municipality to appoint a competent Civil Engineer or Surveyor, to whom there shall be an appeal from the decision of the Fence Viewers in all cases relating to said drains and water courses.

Act limited to
U. C.

7. This Act shall apply only to Upper Canada.

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