

1927

## c 311 Barberry Shrub Act

Ontario

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## CHAPTER 311.

## The Barberry Shrub Act.

**1.** In this Act "Barberry" shall mean the species *Berberis* <sup>"Barberry,"</sup> *Vulgaris* L. R.S.O. 1914, c. 255, s. 2. <sup>meaning of.</sup>

**2.** Every person who plants, cultivates or sells the shrub known as the barberry shrub shall incur a penalty not exceeding \$10, recoverable under *The Summary Convictions Act*. R.S.O. 1914, c. 255, s. 3. <sup>Penalty for planting shrub. Rev. Stat. c. 121.</sup>

**3.** The council of any municipality may order the owner or occupant of any land on which any hedge or fence formed by such shrub or any plant of such shrub is growing to remove and destroy the same, and upon his neglect or refusal so to do within one month after the service of notice in writing requiring such removal and destruction, the council may cause the same to be removed and destroyed, and in such case he shall not be entitled to compensation for such removal and destruction. R.S.O. 1914, c. 255, s. 4. <sup>Shrub where already planted on farm lands to be pulled up.</sup>

**4.—(1)** If within thirty days after receiving the notice the owner or occupant removes and destroys such shrub he shall be entitled to compensation for the value of the plant and the cost of removal. <sup>Compensation for destruction.</sup>

(2) In default of agreement the amount of such compensation shall be determined in writing by the fence viewers of the municipality, and the amount agreed upon or awarded shall be paid to the owner or occupant by the treasurer of the municipality. R.S.O. 1914, c. 255, s. 5. <sup>Fixing amount.</sup>

**5.—(1)** Where any person has planted or has growing upon land owned or occupied by him and situate within any city, town or village any hedge or fence formed by such shrub or any plants of such shrub the Minister of Agriculture may, upon petition signed by at least three owners or occupants of land in an adjoining township, and after the report of one or more qualified persons appointed by the Minister for such purpose, require the owner or occupant to remove and destroy such hedges, fences or plant, and upon his neglect or refusal to <sup>Shrub already planted in cities, etc., to be destroyed.</sup>

do so, within one month after the service of notice in writing requiring such removal and destruction, the Minister may cause the same to be removed and destroyed.

Compensation. (2) Where such owner or occupant removes and destroys such hedge, fence or plant as required by the Minister, and such hedge, fence or plant was planted before the 30th day of April, 1900, he shall be entitled to such compensation as the Minister sees fit to allow, to be paid out of the Consolidated Revenue Fund. R.S.O. 1914, c. 255, s. 6.

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