

1914

c 255 Barberry Shrub Act

Ontario

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CHAPTER 255.

An Act respecting the Barberrry Shrub.

HIS 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 Barberrry Shrub Act*. Short title.
2 Geo. V. c. 70, s. 1.

2. In this Act "Barberrry" shall mean the species *Berberis* " Barberrry,"
Vulgaris L. 2 Geo. V. c. 70, s. 2. meaning of.

3. Every person who plants, cultivates or sells the shrub Penalty for
known as the barberrry shrub shall incur a penalty not exceed- planting shrub.
ing \$10, to be recoverable under *The Ontario Summary Con-* Rev. Stat. c. 90.
victions Act. 2 Geo. V. c. 70, s. 3.

4. The council of any municipality may order the owner or Shrub where
occupant of any land on which any hedge or fence formed by already plant-
such shrub or any plant of such shrub is growing to remove ed on farm
and destroy the same, and upon his neglect or refusal so to lands to be
do within one month after the service of notice in writing pulled up.
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. 2 Geo. V. c. 70, s. 4.

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

(2) In default of agreement the amount of such compensa- Fixing
tion shall be determined in writing by the fence viewers of amount.
the municipality, and the amount agreed upon or awarded
shall be paid to the owner or occupant by the treasurer of
the municipality. 2 Geo. V. c. 70, s. 5.

6.—(1) Where any person has planted or has growing upon Shrub already
land owned or occupied by him and situate within any city, planted in
town or village any hedge or fence formed by such shrub or cities, etc., to
any plants of such shrub the Minister of Agriculture may, up- be destroyed.
on 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 pur-
pose, require the owner or occupant to remove and destroy

such hedges, fences or plant, and upon his neglect or refusal to 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. 2 Geo. V. c. 70, s. 6.
