

cavate a drain, canal or tunnel across and through the property of any such owner of such land to enable such person to mine on any other lands belonging to such person, after indemnifying such owner of such land for all damages he may thereby suffer.

Appointment of arbitrators to determine the amount of indemnity.

3. For the purpose of ascertaining and determining all damages as mentioned in the preceding sections, in the event of the parties not being able to agree respecting them, arbitrators shall be appointed as provided by the ninth section of the Quebec railway act, 1869, which said section shall be construed as forming part of this act; and for the purposes of this act the word "company" in the said section, shall mean and include the person or persons having the mining right on any land, and the words "opposite party" shall mean the owner of such land.

Section 9 of the Quebec railway act, 1869, shall apply.

4. After the appointment of the arbitrators as herein provided, the provisions of the said ninth section of the Quebec railway act, 1869, shall be followed as far as applicable.

Appeal from decision of arbitrators.

5. There may be an appeal from the decision of the arbitrators, on the part of the land-owner, to the superior court, for the district in which the property is situated, provided such appeal is brought by summary petition at the next sitting of the said court, after the rendering of such decision.

This act not to give any new property or mining right.

6. Nothing in this act contained shall be construed to convey to any person or any corporate body any right of property or mining right which they do not now possess.

Name of this Act.

7. This act shall be known as the "Gold mining amendment Act of 1870"; and shall be construed as forming part of the said gold mining act.

C A P . X X X .

An Act to protect the manufacture of Cheese and Butter in this Province.

[Assented to 1st February, 1870.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Fraudulent sale of skimmed milk, &c.

1. Whoever knowingly and fraudulently, shall sell, supply, bring, or send to any butter or cheese factory, for the purpose of being made into cheese or butter, any milk mixed with water, or adulterated in any way whatever, or milk from which the cream has been removed, known as skim or skimmed milk, or shall retain any part of such milk known as strippings ;

Or, whoever knowingly, and fraudulently, shall sell, supply, bring or send to any such factory any tainted milk, or slightly soured in consequence of negligence or uncleanness of the milk pails, strainers or other vessels, after having been informed of such taint or impurity or such neglect either orally or in writing ;

Or tainted or sour milk,

Or, any maker or manufacturer of any cheese or butter, who, knowingly and fraudulently, shall use, or cause any person in his employ to use, for his own benefit or advantage, any cream taken from milk delivered at any cheese or butter factory ;

Or fraudulent taking of cream from milk sent to factory,

Shall incur, for each such offence, a penalty of not less than one dollar, nor more than fifty dollars, in the discretion of the justices of the peace before whom such offence may be tried.

To render liable to a penalty.

2. Every prosecution for any offence under this act, may be brought within three months of the commission of the offence before one or more justices of the peace, duly authorized to act in the place where such offence has been committed, who shall hear and decide the case, on the oath of one or more credible witnesses, and shall moreover, in default of the payment of the penalty and costs, after the expiration of the delay when the same should be paid, levy the said penalty and costs by writ or warrant of execution, signed by one or both such justices of the peace, against the goods and chattels of the defendant, and the said penalty when recovered, shall be payable one moiety to the informer, and the other moiety to the secretary-treasurer of the municipality where the offence shall have been committed, and in default of payment in full of the said penalty and the costs, by the sale of such goods and chattels belonging to the defendant, he may be apprehended and confined in the common jail of the district in which the offence was committed, by a warrant signed as aforesaid, for a period of not less than eight days nor exceeding thirty days, unless the penalty, the costs incurred in the trial and the subsequent costs have been sooner paid.

Proceedings for recovery of penalty.

3. The said trial shall not, in any wise, hinder or deprive any person injured by any violation of the above provisions from obtaining redress in any court of civil jurisdiction, to recover such damages as he may have suffered, and to levy the same, together with costs, in the same manner as in other cases before such court.

Ordinary recourse for damages not affected.