

*The Provincial Statutes of Lower-Canada, Being the third session of the thirteenth Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1830.

10 & 11 George IV – Chapter 9

**An Act to authorize the expenditure of a certain Sum of Money and to grant certain powers to the Commissioners of the La Chine Canal. (26th March, 1830.)**

Whereas it is expedient that the Commissioners for superintending and keeping in repair the Canal from Montreal to La Chine [Lachine], be authorized to employ a certain sum of Money, in deepening and clearing the little River and Lake Saint Pierre, and have certain powers which are not granted to them, by the Act under the Authority of which they are appointed: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America,' and to make further provision for the government of the said Province;" and it is hereby enacted by the authority of the same, that the Commissioners appointed for the purposes aforesaid under the authority of an Act passed in the Ninth year of His Majesty's Reign, intituled, "An Act to establish certain Rates, Tolls and Duties on the La Chine Canal, and to provide for the care and management of the said Canal." may employ and expend a sum of money not exceeding four hundred pounds, currency, out of the monies arising from the Rates Tolls and Duties collected on the said Canal under the authority of the said Act, in deepening and clearing the little River [Riviere Saint Pierre] and Lake Saint Peter [Lac Saint-Pierre]; provided always that before any sum shall be expended the several Proprietors of all lands from which waters are discharged into the said River or Lake shall have promised or agreed to and with the said Commissioners and their successors in Office, by an Instrument duly executed in legal form and manner to contribute a just, and reasonable portion of the expenses incurred annually in keeping the said River and Lake in the state in which they shall be put by the said Commissioners under the authority of this Act: which portion so to be paid by each Proprietor shall be mentioned and set forth in the said instrument.

II. And be it further enacted by the authority aforesaid, that all questions that shall have arisen out of the execution of any of the powers granted, by an Act passed in the First year of His Majesty's Reign, Chapter, six intituled, "An Act for making a Navigable Canal, from the neighbourhood of Montreal to the Parish of La Chine, and to appropriate a certain Sum of money for that purpose, and to repeal a certain Act therein mentioned;" or any indemnification for damages which may have been or shall be at any time or times sustained by any Bodies politic or Corporations, Communities or any other person or persons respectively being owners of or interested in any lands grounds or waters for or by reason of the making repairing or maintaining the said Canal or reservoirs, trenches passages, gutters,

water-courses, roads, ways, locks, or sluices for supplying the same with water as aforesaid, or by the flowing, leaking or oozing of the water, over or through the banks of the said Canal reservoirs, of other conveniences connected therewith, or by turning or diverting any streams or brooks into the same, shall and may be settled by agreement of the parties or by arbitration, or if either of the parties shall not be inclined to make an agreement or to appoint, arbitrators, or by reason of absence shall be prevented from treating or through disability by nonage, coverture, or other impediment cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case, the said Commissioners or a majority of them may make application to the Court of King's Bench of the district of Montreal, stating the grounds of such application and such Court is hereby empowered and required from time to time upon such application to issue a Warrant directed to the Sheriff of the District of Montreal the time being, commanding such Sheriff to impanel, summon and return a Jury, and the said Sheriff is hereby required accordingly to impanel, summon and return a Jury qualified according to the Laws of this Province to be returned for Trials of issues joined in civil cases is the said Court of King's Bench to appear before the said Court, or before any two Judges thereof in vacation, at such time and place as in such warrant shall be appointed and all parties concerned may have their lawful challenges against any of the said Jurors so summoned, but shall not challenge the array and the said Court or Judges are hereby empowered to summon and call before them all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question, and the said Court or Judges may order and authorize the said Jury or any six or more of them to view the place or places or matter in controversy, which Jury upon their oaths, (all which oaths as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court or Judges are hereby empowered to administer) shall enquire of, assess and ascertain the distinct sum or sums of money or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the damage that may have been or shall be sustained as aforesaid; and the said Court or Judges shall give judgment for such sum, rent or indemnification so to be assessed by such Juries which said verdict and the judgment so thereupon pronounced, shall be binding and conclusive to all intents and purposes against all bodies politic or corporate, or communities, and all persons whomsoever.

III. Provided always and be it further enacted by the authority aforesaid, that in all cases where a verdict shall be given for more monies as an indemnification or satisfaction for any lands or grounds or for any damage which may have been or shall be done to any lands, grounds or property of any person or persons whomsoever, than had been previously offered by or on behalf of the said Commissioners or a majority of them, then all the expenses of summoning and of taking such inquest shall be settled by the Court and be paid by the said Commissioners out of the monies collected and received under the authority of the Act herein first above cited; but if any verdict shall be given for the same or for a less sum than had so been previously offered, then and in every such case such costs and expenses after having been settled as above-mentioned, shall be borne and paid by the person or persons with whom the said Commissioners shall have had such controversy.

IV. And be it further enacted by the authority aforesaid, that all agreements and all determinations by Arbitration as aforesaid, and also the said verdicts and judgments thereupon, shall be transmitted to, and shall be kept by the Prothonotary of the Court of King's Bench for the District of Montreal, among the records of the said Court, and shall be deemed and taken to be records of the said Court to all intents and purposes, and the same or authentic copies thereof shall be allowed to be good evidence in all Courts in this Province, and all persons shall have liberty to inspect the same paying for each inspection the sum of one shilling currency and no more, and to have copies thereof on paying for each copy not exceeding one hundred words the sum of six pence currency and so in proportion for any greater number of words.

V. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the time of the expiration of the Act herein first above cited and no longer.