

The Provincial Statutes of Lower-Canada, Being the first session of the fourteenth Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1831.

1 William IV – Chapter 21

An Act to appropriate a certain sum of money therein-mentioned to the Improvement of the Navigation from the Cascades to Lake Saint Francis. (31st March, 1831.)

MOST GRACIOUS SOVEREIGN,

Whereas it is expedient to improve the Navigation of that part, of the River Saint Lawrence which extends from the Cascades to Lake Saint Francis [Lac Saint-François]:—May it therefore please Your Majesty that it may be enacted, and be it 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 Governor, Lieutenant-Governor, or person administering the Government may, by an Instrument under his hand and seal, appoint three Commissioners for carrying this Act into effect.

II. And be it further enacted by the authority aforesaid, that it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government, by Warrant under his hand to take out of any unappropriated monies in the hands of the Receiver-General, a sum not exceeding ten thousand two hundred and one pounds eight shillings and seven pence currency, to be applied to the improvement of the Navigation of that part of the River Saint Lawrence between the Cascades and Lake Saint Francis, so as to enable Bateaux and Durham Boats to ascend the same without taking out any part of their lading or taking out any determinate portion thereof.

III. And be it further enacted by the authority aforesaid, that the improvements to be made to the said Navigation shall be made under the direction of such Commissioners, according to a certain report, estimate and plan made by Alexander Stevenson and Andre Trudeau, Engineers to the Commissioners appointed under a certain Act made and passed in the tenth and eleventh years of the Reign of His late Majesty, chapter twenty-seven, intituled, "An Act to appropriate a certain sum of money for ascertaining the best mode of improving the Navigation of certain parts of the River Saint Lawrence."

IV. And be it further enacted by the authority aforesaid, that whensoever the Commissioners appointed under this Act shall find it necessary to cause a Towing Path or Paths to be made along the North Beach or Strand of the said River, or on any part thereof,

it shall be lawful for them to take hold and use such Beach or Strand or any part thereof for such purpose.

V. And be it further enacted by the authority aforesaid, that in making such Towing Path or Paths, whensoever such Commissioners shall deem it necessary to carry the same over the land or parcel of the land of any person or Body Politic or Corporate, and whensoever they shall deem it necessary to cause to be made any Road or Path, Canal, Acqueduct or Water-course, from any part of such Towing path towards the River Saint Lawrence, , or towards any Highway near such Towing-path, or to cause any other work which they may deem necessary for the purposes of this Act to be made on such land or parcel of such land, such Commissioners may take, hold, and use such land for such purpose and may agree with the Proprietors thereof touching the consideration to be paid them for the purchase thereof, and the indemnification for their respective damages; and in case of disagreement respecting the same, then all questions arising between such Commissioners and the proprietors by reason of the making of such Towing Path or Paths, may be settled by agreement of the parties or by arbitration, and if either of the parties shall not be inclined to make an agreement or to appoint arbitrators or to concur in their appointment 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 may apply to the Court of King's Bench for the District of Montreal, stating the grounds of such application, and the said Court shall issue a warrant directed to the Sheriff of the said District, enjoining such Sheriff to summon and return a Jury (which Jury shall consist of persons qualified to be returned for the trial of issues in Civil cases in the said Court of King's Bench) to appear before the said Court at a time and place in such warrant appointed; and the parties shall have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Court shall summon every person whom it may be thought necessary to examine as a witness in the matter, and the said Court may authorize and order such Jury or any six or more of them to view the place or places or the subject of controversy, which Jury, upon their oath, shall enquire of, assess and ascertain the precise sum of money or amount of annual rent to be paid either in consideration of the taking, holding, and using of such land, or as to indemnification for damage sustained, and that the said Court shall administer all the necessary oaths to such Jurors and witnesses, and shall give judgment for the sum such Jury shall have assessed, which judgment shall be binding and conclusive against all bodies politic or corporate and all communities and persons whatsoever.

VI. And be it further enacted by the authority aforesaid, that for any of the purposes aforesaid the said Commissioners, their agents, servants and workmen, may enter upon the Land of His Majesty, His Heirs or Successors, or of any person or body politic or corporate, and may survey and take levels of the same or any part thereof, and may lay out and ascertain such part thereof, as they shall think necessary for any of the said works and for any matter and convenience which they shall think proper and necessary for improving, completing, preserving and using the said intended navigation; and also may bore, dig, cut,

trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, gravel, sand, trees, or any other matter which may be convenient or necessary for the making, improving and completing of any such work, or which may obstruct the same from the land or open the land of any person or body politic or corporate adjacent or contiguous thereto, and may also from time to time, alter, repair, enlarge or diminish, any such work as they may deem necessary for rendering the same more fit for the purposes hereby intended; and also may place, work and manufacture such materials on the grounds near the place where any such work shall be made, repaired or altered, and also may construct, make and do all other matters and things convenient and necessary for the improving, completing, and using the said navigation according to the intent and meaning of this Act, they the said Commissioners doing as little damage as may be in the execution of their powers, and making compensation in the manner herein before prescribed for all damage sustained by the proprietor or occupier of any land taken, used, or prejudiced by virtue of this Act.

VII. And be it further enacted by the authority aforesaid, that the said Commissioners shall within fifteen days alter the opening of the next Session of the Provincial Legislature, lay before the several branches thereof, a detailed account of their proceedings under the authority of this Act, and of the manner in which the Monies hereby appropriated shall have been laid out and expended, with copies of such surveys, plans and estimates, as they shall have caused to be made for the purposes aforesaid.

VIII. And be it further enacted by the authority aforesaid, that the due application of the Monies hereby appropriated, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall direct.