

George Le Pailleur and all other persons dissolved and divested of the property.

IX. And be it further enacted by the authority aforesaid, that the said George Le Pailleur, his heirs and assigns, and all and every other person or persons whomsoever, who now have, or may hereafter have, any right, title, interest, or claim whatsoever of, in, and to the ground designed for the said new street, shall be, and they are hereby declared to be, dissolved and divested thereof to all intents whatsoever, from the moment the said new street shall be laid out and opened, according to the dispositions of this Act.

Public Act,

X. And be it further enacted by the authority aforesaid, that this Act shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and all other persons whomsoever, without being specially pleaded.

C A P. XVIII.

An ACT for making and maintaining a navigable Canal from, at, or near the Town of St. John, upon the River Sorel or Richelieu, through the Barony of Longueuil and the Seigneurie of Chambly; to terminate at the Balon of Chambly.

(1st April, 1818.)

Preamble.

WHEREAS the River Sorel, or Richelieu, in the District of Montreal, is in many parts not navigable for boats or vessels, by reason of the rapids, and other obstructions therein: And whereas a Canal from, at, or near the town of Saint John to the Balon at Chambly, upon the said River, would be of great public advantage; will afford a more easy, cheap, and advantageous conveyance for all goods, wares, and commodities whatsoever, and generally increase the trade and commerce of this Province, and in other respects be of great public utility. And whereas the persons herein-after named, are desirous, at their own costs and charges, to make and maintain the said intended Canal, but cannot effect the same without the aid and authority of the Provincial Parliament: Wherefore, for obtaining and perfecting the good purposes aforesaid, may it 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 Québec 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

Thomas Lee & others authorized by this Act to cause books of subscription to be opened for shares in the undertaking of making and completing a Canal from the town of Saint John to the basin of Chambly, and to give notice of the times and places of receiving the signatures of subscribers for shares in the undertaking.

the same, that it shall and may be lawful for Thomas Lee, Jacques Voyer, Pierre Edouard Desbarats, John Goudie, François Languedoc, John White, and James M'Douall, to cause books of subscription to be opened for shares in the said undertaking of making and completing a Canal from the town of Saint John to the basin of Chambly, and for this purpose they shall be held and bound to give six weeks' public notice in the newspapers of the cities of Quebec and Montreal, of the time when such books will be open and ready for the receiving of the signatures of subscribers for shares in the said undertaking, and of the place in each of the said cities of Quebec and Montreal where such books are deposited, and of the persons who shall not be less than three in number, by them authorized to receive such subscriptions, in each of the said cities: and during the period of two months from and after the opening of such books, it shall and may be lawful for any person to subscribe for any number of shares not exceeding fifty; provided always, that if after the expiration of two months from the opening of such books as aforesaid, the number of shares necessary for the making and completing of the said Canal, shall not have been subscribed for as aforesaid, it shall and may be lawful for each and every person who may have already subscribed, to take and subscribe for a further number of shares, so as that the whole number of shares to be taken by any one subscriber shall not exceed seventy-five, and as soon as the number of shares so as aforesaid subscribed for, shall amount to one half of the sum to form the capital stock of the said undertaking, then, and not before, the said Thomas Lee, Jacques Voyer, Pierre Edouard Desbarats, John Goudie, François Languedoc, John White, and James M'Douall, and their several and respective successors, heirs, executors, curators, administrators and assigns, together with such person or persons who shall or may at any time as is herein-before prescribed, become a subscriber or subscribers to the said navigation for one or more share or shares as herein-before mentioned, shall be, and are hereby united into a Company, for the better carrying on, making, completing, and maintaining the said intended Canal, according to the rules, orders, and directions herein-after mentioned and expressed; and shall for that purpose be one body politic and corporate, by the name of "The Company of Proprietors of the Chambly Canal," and by that name shall have perpetual succession and a common seal, and by that name shall and may sue, and be sued, and also shall and may have power and authority to purchase lands, tenements, and hereditaments, to them and their successors and assigns, for the making the said Canal, and the several works hereby authorized to be made, without *Lettres d'Amortissement*, and without being subject by reason of any such purchase to the payment of any such *Droit d'Amortissement* to His Majesty; saving nevertheless to the Seigneur or Seigniors, within whose *confeue* the lands, tenements, and hereditaments so purchased, may be situate, his and their several and respective *Droits d'Indemnité*, and all other seigniorial rights whatsoever, and also to sell any of the said lands, tenements, and hereditaments purchased for the purpose; and any person or persons, or bodies politic or corporate, may give, grant, bargain, sell, or convey to the said Company of Proprietors, any lands,

lands, tenements, or hereditaments, for the purposes aforesaid; and the same to repurchase of the said Company without License of Alienation, or *Letters d' Amortissement*.

Manner by which additional shares may be acquired.

II. Provided always, and it is hereby enacted, that so soon as the full number of shares in the aforesaid navigation, shall have been subscribed for, it shall and may be lawful for any one of the subscribers to, or proprietors of the said Canal, to purchase from any other subscriber or proprietor thereof; any number of shares in the said undertaking, without limitation as to such number, any thing in the present Act contained to the contrary thereof in any wise notwithstanding. Provided also, that nothing herein-contained shall entitle such subscriber or proprietor so purchasing, to a greater number of votes than is herein-after provided.

Proviso.

Company of Proprietors may proceed to complete the Canal from St. John to the Bar on of Chambly.

III. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their Deputies, Agents, Officers and Workmen, to make and complete a Canal navigable for boats, barges, vessels and rafts, from, at, or near the town or port of St. John, in the County of Bedford, upon the river Sorel or Richelieu, through the Barony of Longueuil and the west part of the seigniory of Chambly, and to terminate at the Basin of Chambly upon the aforesaid river, the locks whereof shall not be less than twenty feet in breadth, and which Canal shall be navigable for vessels drawing five feet water; which said Canal shall commence and terminate at such points within the limits aforesaid, and shall be made and carried upon, or near the said river Chambly, in as direct a line as may be found practicable, and as the local situation, circumstances, and the nature of the ground will permit; and to this end, it shall be the duty of the Surveyor-General of this Province, and he is hereby required upon the application, and at the sole expence of the said Company of Proprietors, to cause to be made and taken under his directions, by some competent person or persons so be appointed by him, being sworn Land Surveyors in this Province, and by an Engineer to be appointed by the said Company of Proprietors, surveys and levels of the lands, through which the said intended Canal is to be carried, together with a map or plan of such Canal, and of the course and directions thereof, and of the said lands thro' which the same is to pass; and also a book of reference for the said Canal, in which shall be set forth a description of the said several lands, and the names of the owners and proprietors thereof; and in which shall be contained every thing necessary for the right understanding of such map or plan, of which said map or plan, and book of reference, three parts shall be made, or caused to be made, and certified by the said Surveyor-General, who shall deposit one part thereof in the office of the Prothonotary of the Court of King's Bench for the District of Montreal; one other part in the office of the Secretary of this Province; and the remaining part he shall deliver to the said Company of Proprietors; and all persons shall have liberty to resort to such parts so to be deposited as aforesaid, and make extracts, or copies thereof

as occasion shall require; paying to the said Secretary of the Province, or the said Prothonotary, after the rate of nine-pence for every hundred words; and the said parts of the said map or plan, and book of reference, so certified, or a true copy, or copies thereof, certified by the Prothonotaries of the Court of King's Bench for the District of Montreal, or by the Secretary of the Province, shall severally be, and are hereby declared to be good evidence in all Courts of Law, or elsewhere.

Company of Proprietors authorized to apply to the Proprietors of the lands, through which the Canal is intended to pass, for the purchase of land, and in case of controversy, to apply to Commissioners to estimate the value.

IV. And be it further enacted by the authority aforesaid, that as soon as the said map or plan, and book of reference shall have been made and deposited as aforesaid, it shall then be lawful for the said Company of Proprietors, to apply to the several owners of the estates, lands, and grounds, through which such Canal is intended to be carried, and of the streams of water intended to be used or taken for, or employed in such Canal, and to agree with such owners respectively touching the compensation to be paid to them by the said Company of Proprietors for the purchase thereof, and for their respective damages; and in case of disagreement between the said Company of Proprietors, and the said owners, or any one of them, then the matter in dispute shall be referred to two *Experts*, whereof each of the parties shall name one; and, in case of difference of opinion between them respecting the matter referred, the said *Experts* may call a third one; and the report of those three persons, or of any two of them, shall be final: Provided, that it shall be lawful for the party conceiving himself aggrieved by such judgment, to appeal therefrom, after having given to the other party fifteen days notice of his intention, to the Court of King's Bench for the District of Montreal, stating the grounds of such application; and thereon such Court is hereby empowered and required from time to time, upon such application, to appoint in the manner and form by Law prescribed, three other judicious, disinterested and impartial persons, being proprietors of lands in the said District of Montreal, to be *experts*, to appraise the same, and to estimate the damages of such owner or owners, which said *experts* having been first duly sworn, faithfully and impartially to ascertain and determine, according to the best of their skill and understanding, the amount or value of any land, or other real estate, which may be taken or deemed to be necessary to be used for such Canal; and the amount of the damage or damages which such owner or owners may in any wise sustain, or be put to by reason or by means of the making and cutting the said Canal, shall visit the place or places, or matters in controversy, and carefully enquire into, ascertain, and determine the amount or value of such lands or other real estate, and of the said damage of such owner or owners respectively, and shall make and return a report under their hands and seals, or the hands and seals of any two of them, ascertaining and determining the value of such lands, or other real estate, and the amount of the said damages; which report being fairly and regularly made, returned into, and filed in the said Court of King's Bench, shall be confirmed by the said Court, and shall be final and conclusive as to the amount of the said value and damages between the several and respective parties thereto: And the said Company of Proprietors pay-

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ing, or making a legal tender to the said several owners of the said land, the several sums awarded by every such report, shall have and hold to them, their successors and assigns, the lands and real property described therein, in as full and ample manner as if the same had been by such owners respectively conveyed to the said Company of Proprietors, by deed of sale, or any other legal conveyance whatsoever; provided, that nothing in this Act contained, shall extend, or be construed to extend, to authorize the said Company of Proprietors to divert, or take for the use of the said Canal, the water of any stream or river, so as to affect or injure any banal or feigniorial mill, within the limits aforesaid, without the consent of the owner or owners thereof.

Proviso.

The Company authorised to supply the Canal with water from all Brooks, &c. to dig and carry away all sorts of materials and to enter on all lands, belonging to His Majesty, &c. not being the grounds on which houses stood.

V. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized from and after the passing of this Act, to supply the said Canal whilst making, and when made, with water from all such brooks, springs, streams, water-courses, hollows, and other repositories of water, as shall be found in making the said Canal, or within the distance of one thousand yards, (except as herein-before or herein-after mentioned) from any part of the said Canal, or from any reservoir or reservoirs to be made, for supplying the said Canal with water: And the said Company of Proprietors are hereby also authorized and empowered by themselves and their deputies, agents, servants, and workmen, to make one or more reservoir or reservoirs, and to make one or more fire-engine or engines, or other machines, for the purpose of raising and supplying the said Canal, or any part thereof, and such reservoir or reservoirs with water, and such and so many feeders, tunnels, and aqueducts, for supplying the said reservoirs and Canal with water, and conveying water from any such reservoir or reservoirs, to the said Canal, as to them shall seem necessary and proper, (except as herein-after mentioned). And for the purposes aforesaid, the said Company of Proprietors, and their agents, servants, and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of, or belonging to the King's Majesty, his heirs or successors, or of any other person or persons, bodies politic or corporate, not being on the first day of October, one thousand eight hundred and eighteen, the ground on which a house stood, or a garden appertaining to a dwelling-house, or a yard adjoining thereto, unless with the consent of the owners and occupiers thereof respectively, and to survey and take levels of the same, or any part thereof, and to let out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal, and any such reservoir or reservoirs, feeders, tunnels, and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, and using the said intended navigation; and also to bore, dig, cut, trench, remove, take, carry away, and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other matter or things which may

may be dug, or got in the making of the said Canal, or in the making of any reservoir or reservoirs, feeders, or aqueducts, or out of any lands or grounds of any person or persons adjoining, or lying contiguous thereto, and which may be proper, requisite, or convenient for carrying on, continuing, or repairing the said Canal, or other the said works, or which may hinder, prevent, or obstruct the making, using, completing, and maintaining the same: And also to make, build, erect, and set up in and upon the said Canal, or upon the lands adjoining or near to the same, such and so many bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water, stanks, reservoirs, drains, wharves, quays, landing-places, weigh-beams, cranes, fire-engines, or other machines, and other works, ways, roads and conveniences, as the said Company of Proprietors shall think requisite and convenient for the purposes of the said navigation; and also from time to time to alter, repair, amend, widen, or enlarge the same, or any other of the conveniences above-mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to or from the said Canal, as for the carrying or conveying of all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of, and belonging to the said navigation; and also to place, lay, work and manufacture the said materials on the grounds, near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired, or done—and to build and construct the several locks, bridges, works, and erections belonging thereto; And also to make, maintain, repair, and alter any fences or passages over, under, or through the said Canal, or the reservoirs and tunnels, aqueducts, trenches, passages, gutters, water-courses, and sluices respectively, which shall communicate therewith; and also to make, set up, and appoint such roads, towing-paths, banks, and ways convenient for towing, hauling, or drawing boats, barges, vessels, or rafts passing in, through, along, or upon the said Canal, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any piers, arches, or other works, in, upon and across any rivers or brooks, for making, using, maintaining, and repairing the said Canal, and the towing-paths on the sides thereof: And also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Canal, in pursuance and within the true meaning of this Act; they the said Company of Proprietors doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein-before mentioned, for all damages to be sustained by the owner or occupiers of such lands, tenements, or hereditaments, waters, water-courses, brooks, or rivers respectively, as shall be taken, used, removed, diverted, or prejudiced in or by the execution of all, or any of the powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their servants, agents, and workmen, and all other persons whomsoever, for what they, or any of them shall do by virtue of the powers hereby granted.

Company of Proprietors authorized to take so much of the land covered with water of the river Sorel as may be necessary for the making and completing the said Canal.

Proviso.

VI. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors, in constructing and making the said Canal from Saint John aforesaid to the said Baron of Chambly, to take and appropriate for the use of the said Canal, so much of the land covered with the waters of the said river Sorel or Richelieu, or of the bed thereof as may be found necessary for the making and completing of the same, and thereon to erect such wharves, quays, locks, works and erections, as the said Company of Proprietors shall think convenient; Provided always, that it shall not be lawful to the said Company to make any jetty, or any other work, which shall extend more than two hundred feet from the beach of the said river Richelieu.

The Company authorized to make the intended Canal thro' the lands of any persons whose names shall have been omitted by mistake in the book of reference, and of persons whose names shall have been substituted by other names.

VII. Provided always, and be it further enacted by the authority aforesaid, that the said Company of Proprietors shall and may make the said intended Canal through, across, or over the lands or grounds of any person or persons whomsoever, whose name or names shall appear to have been by mistake omitted in the said book of reference, and also where it shall appear that instead of the name or names of the owner or owners of such lands or grounds, the name or names of some other person or persons to whom such last mentioned lands and grounds do not belong, hath or have been inserted by mistake therein: Provided always, that the said Company of Proprietors shall give at least three months notice to the person or persons possessing or occupying such lands or lots, of its intention of carrying the said Canal through the said lands or lots.

Lands to be taken for towing-paths not to exceed a certain extent without the consent of the Proprietor.

VIII. Provided always, and be it further enacted by the authority aforesaid, that the land and ground to be taken and used for the said Canal, the towing-paths, and the ditches, drains and fences to separate any such towing-paths from the adjoining lands shall not exceed forty yards in breadth, except in such places where the said Canal shall be raised higher, or cut above five feet deeper than the present surface of the land, and in such places where it shall be judged necessary for boats and other vessels and rafts to turn, lie or pass each other, nor more than sixty-five yards in breadth, in any of those places without the consent of the owner or owners of such land or ground respectively under his, her, or their hand or hands in writing first had or obtained, nor shall any land or ground be set out, ascertained, contracted for and sold for the purpose of making any navigable cut, trench or sluice to convey goods or other things to or from the said Canal, without such consent as aforesaid, any thing in this Act contained to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, that after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing

All descriptions of persons for themselves and the persons they represent, may sell their lands, for the purposes aforesaid.

pleting the said Canal, and other the purposes and conveniences herein before mentioned, it shall and may be lawful for all bodies politic, communities, corporations, aggregate or sole, guardians, curators, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, *femmes couvertes*, or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be let out and ascertained as aforesaid, to contract for, sell and convey unto the said Company of Proprietors, all or any part of such lands or grounds, which shall from time to time be let out and ascertained as aforesaid; and that all such contracts, agreements, and sales, shall be valid and effectual in Law to all intents and purposes whatsoever, any law, statute, or usage to the contrary thereof in any wise notwithstanding.

Bodies Politic, Corporations, or other persons disqualified to make sales or transfer of property, to receive a certain rent, to be fixed by the Court of King's Bench at Montreal.

X. Provided always, and be it further enacted by the authority aforesaid, that any body politic, community, corporation, or other person or persons whomsoever, who cannot in common course of law sell or alienate any lands or grounds so let out and ascertained, shall be entitled to have and receive annual rents or sums for the same respectively from the said Company of Proprietors, and from and immediately after the time of making any contract or contracts for that purpose, the said Company of Proprietors, and their successors, may and shall be at liberty to enter on; and from thenceforth for ever to have, take and enjoy the said lands or grounds so contracted for, for the use of the said Canal, without any interruption or eviction whatsoever; and in case such annual rents or sums respectively shall not be agreed on between the said Company of Proprietors or their successors, and the said bodies politic, communities, corporations, or other person or persons entitled to the said lands and grounds, the same shall be referred to two *experts*, whereof each of the parties shall name one; and in case of difference of opinion between them respecting the matter referred, the said *experts* may call a third one, and the report of those three persons, or of any two of them, shall be final; provided, that it shall be lawful for the party conceiving himself aggrieved by such judgment, to appeal therefrom, after having given to the other party fifteen days notice of his intention to the Court of King's Bench for the District of Montreal; which shall proceed to ascertain and settle the said rent, or annual sum, in the same manner and under the same regulations as are herein-before directed for the valuation of other lands and grounds let out and ascertained for the said Canal, and so soon as the said rent shall have been so settled and ascertained, it shall and may be lawful for the said Company of Proprietors to enter upon and take possession of the said lands and grounds without any interruption whatsoever, and such yearly rents or sums when so agreed upon or ascertained and settled as aforesaid, shall be charged on the rates and duties arising by virtue of this Act, and shall be paid by the said Com-

pany

pany of Proprietors as the same shall become due and payable; and in case the same shall not be paid within fourteen days next after the same shall become due and payable, it shall and may be lawful to and for such bodies politic, communities, corporations, or other person or persons to whom such yearly rents or sums shall be due and owing as aforesaid, to sue for and recover the same with costs of suit by action in any of His Majesty's Courts having competent jurisdiction, and thereon obtain execution, and shall and may have and take all other remedies and recourses for the recovery of such rents or sums of money respectively, as by Law may now be had and taken for the recovery of the rent of any houses or lands by the proprietor thereof.

The intended Canal not to deviate more than a certain distance from the course laid down in the plans and books of reference.

XI. And be it further enacted by the authority aforesaid, that the said Company of Proprietors, in making the said intended Canal, shall not deviate more than ten arpents from the course or direction delineated in the said map or plan, and set forth in the said book of reference, nor cut, carry or convey the said Canal into, through, across, under or over any other part or parts of the several estates, lands or grounds now or late belonging to, or reputed to belong to the said several and respective persons named or described in the said book of reference in that behalf, nor belonging to any other person not named in such book of reference, without the approbation and consent in writing signed by the person or persons to whom such estates, lands and grounds, do or shall respectively belong.

The Company may raise a certain sum of money for carrying on the work.

But not to exceed £45,000, and to be divided into shares.

XII. And to the end that the said Company of Proprietors may be enabled to carry on so useful an undertaking, be it further enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors, their successors and assigns, to raise and contribute amongst themselves in such proportion as to them shall seem meet and convenient, a competent sum of money for making and completing the said Canal, and the roads, and other ways, works and conveniences to the same belonging, or requisite thereon. Provided, that the said sum do not exceed the sum of forty-five thousand pounds, current money of this Province, in the whole, and that the same be divided into such number of shares as herein-after directed, at a price not exceeding fifty pounds per share; and the money so to be raised, is hereby directed and appointed to be laid out, and applied in the first place for and towards the payment, discharge, and satisfaction of all costs, charges and expences in applying for, obtaining, and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all other expences relating thereunto, and the residue and remainder of such money for and towards the making, completing, and maintaining the said navigable Canal, and other the purposes of this Act, and to no other use, intent, or purpose whatsoever.

XIII.

Shares, how
divided.

XIII. And be it further enacted by the authority aforesaid, that the said sum of forty-five thousand pounds, or such part thereof as shall be raised by the several persons herein-before named, and by such other person or persons who may at any time as herein-before limited, become a subscriber or subscribers to the said navigation, shall be divided and distinguished into nine hundred equal parts or shares, at a price not exceeding fifty pounds current money of this Province, per share, and that the said nine hundred shares shall be, and are hereby vested in the said several subscribers, and their several and respective heirs, executors, curators, administrators, and assigns, to their and every of their proper use and behoof, proportionably to the sum they, and each of them shall severally subscribe and pay thereunto; and all and every the said shares shall be personal estate, and transmissible as such, and not of the nature of real property; and every the bodies politic and corporate, and every person and persons, their several and respective successors, heirs, executors, curators, administrators, and assigns, who shall severally subscribe and pay the sum of fifty pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended navigation, shall be entitled to, and receive after the said navigation shall be completed, the entire and neat distribution of one nine hundredth part of the profits and advantages that shall and may arise and accrue by virtue of the sum or sums of money to be raised, recovered, or received by virtue of this Act, and so in proportion for any greater number of Shares. And every Body politic, or corporate, or Person or Persons having such Property of one part or Share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate proportional sum of money towards carrying on the said undertaking, in manner herein-after enacted, directed and appointed.

Votes—how to
be given.

XIV. And be it further enacted by the authority aforesaid, that the number of votes to which each Proprietor of shares in the said Company, or body politic, or corporate, holding one or more shares, shall be entitled, on every occasion, when in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be in the proportion following, that is to say:— For one share, and not more than two, one vote; for every two shares above two, and not exceeding ten, one vote, making five votes for ten shares; for every four shares above ten, and not exceeding thirty, one vote, making ten votes for thirty shares; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares; and for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; but no person or persons, co-partnership, body politic, or corporate, being a member or members of the said Company, shall be entitled to a greater number than twenty votes; and all proprietors of shares resident within the Province or elsewhere, may vote by proxy, if he, she, or they shall see fit, provided that such proxy be a proprietor of shares, and do produce from his constituent or constituents, for so representing

senting and voting for him, her or them, an appointment made in the form, or to the following effect:—" I, ^{of}
 " one of the Proprietors of the Chamblly Canal Navigation, do hereby nominate,
 " constitute, and appoint ^{of} ^{to}
 " be my proxy, in my name, and in my absence, to vote, or give my assent, or dissent
 " to any business, matter, or thing relating to the said navigation and undertaking,
 " that shall be mentioned or proposed at any meeting of the proprietors of the said
 " navigation, or any of them, in such manner as he the said
 " shall think proper, according to his opinion and judgment, for the benefit of the
 " said navigation and undertaking, or any thing appertaining thereto. In witness
 " whereof, I have hereunto set my hand and seal, the ^{day of}
 " in the year of our Lord——." And whatever question, election of proper officers,
 or other matters or things shall be proposed, discussed, or considered in any Public
 Assembly, to be held by virtue of this Act, shall be finally determined by the ma-
 jority of votes and proxies then present; provided, that no person shall vote by
 proxy for more than one hundred shares of absent proprietors.

Proviso.

Persons not be-
 ing subjects of
 His Majesty not
 eligible for the
 purposes of this
 Act.

XV. Provided always, and it is hereby enacted, that no proprietor who shall not be a natural born subject of His Majesty, or a subject of His Majesty, naturalized by Act of the British Parliament, or a subject of His Majesty, or who shall not have resided seven years in this Province, and have taken the oaths prescribed and directed by and in every respect conformed to an Act of the Parliament of Great Britain, made and passed in the thirteenth year of the reign of His late Majesty, King George the Second, intitled, " An Act for naturalizing such foreign Protestants, and others therein-men-
 " tioned, as are settled, or shall settle in any of His Majesty's Colonies in America"
 —or being a subject of any foreign Prince, or State, shall be elected President, Treasurer, or Clerk, or one of the Committee of the said Corporation, nor shall either in person or by proxy vote for the election of any President, Treasurer, Clerk, or Committee, nor shall vote at any meeting of the said Proprietors, for the purpose of ordaining, establishing, or putting in execution any bye-laws, ordinances, and regulations to be made under the authority of this Act, or shall assist in the calling of any meeting of such proprietors, or shall vote for any other purpose or purposes whatsoever, herein-before authorized, any thing herein-before contained to the contrary thereof notwithstanding.

First Meeting
 of the Proprietors
 to be held at
 Chamblly.

XVI. And to the end that all matters and things to be done and carried on by virtue of and under the authority of this Act, may be the more regularly and methodically carried into execution, be it further enacted by the authority aforesaid, that the first General Assembly, or Meeting of the Proprietors for putting this Act in execution, shall be held at Chamblly, within two months after the said Company shall

shall have become capable of proceeding in the manner herein-before prescribed, provided that public notice thereof may have been given during one month in one of the newspapers of each of the cities of Quebec and Montreal; and the second General Meeting at such time and place as the said proprietors or the major part of them, at their said first Meeting shall appoint; and at which said first Meeting, or some subsequent Meeting, the proprietors assembled, together with such proxies as shall be then present, shall choose nine persons, who are for the time being, proprietors of ten or more shares each in the said navigation; which persons so chosen, shall be a Committee to manage the affairs of the said Company of Proprietors, in such manner as is herein-after directed, and as shall from time to time be ordered by such General Assemblies as aforesaid; but if at any time it shall appear to any twenty or any greater number of proprietors of shares, holding together two hundred shares at least, that for the more effectually putting this Act in execution, a special Meeting of Proprietors is necessary to be held, it shall be lawful for them to cause notice thereof to be given in one of the newspapers published at Quebec and Montreal, and in such other manner as the said Proprietors or their successors and assigns shall, at any General Meeting direct or appoint, declaring in such notice the place where, and the time when such Meeting is to be held, the same not being less than ten days after such notice given, and likewise specify in every such notice the reason of such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such notice, and to proceed to the execution of the powers by this Act given them with respect to the matters so specified only, and all such Acts of the Proprietors, or the major part of them, at such meeting assembled, such major part not having either as principals or proxies less than five hundred shares, shall be as valid to all intents and purposes as if the same were done at meetings held in manner herein-before appointed; and it shall and may be lawful for the said Company of Proprietors, at such General or Special Meeting, in case of the death, absence, or removal of any person named of the Committee to manage the affairs of the said Company of Proprietors in manner aforesaid, to name and appoint others in the room and stead of those of such Committee who may die or be absent, or removed as aforesaid.

Committees appointed to be subject to the control of the General Assembly, or other Meetings.

XVII. Provided always, and be it further enacted by the authority aforesaid, that such Committee shall, from time to time, be subject to the examination and control of the said General Assembly, or other meetings of the said Proprietors as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said Proprietors at any such General Assembly, or other meeting; such orders and directions not being contrary to any express directions or provisions in this Act contained; Provided also, that no one Member of the said Committee, of whatever number of shares he may be the Proprietor, shall have more than one vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of an equal division of members, shall have the casting vote, although he may have given one vote before.

Proviso.

XVII.

General Meetings to settle all accounts.

XVIII. And be it further enacted by the authority aforesaid, that every such General Assembly shall have power to call for, audit, and settle all accounts of money laid out and disbursed on account of the said navigation or Canal, with the Treasurer, Receiver or Receivers, or other Officer or Officers, to be by them appointed, or any other person or persons whomsoever, employed by or concerned for or under them in and about the aforesaid navigation, and for that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by the persons entitled to a majority of votes in manner aforesaid; and every General Assembly, or such Committee met together by the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said navigation to defray the expences of, or to carry on the same as they, from time to time, shall find wanting and necessary for those purposes, so that no call do exceed the sum of five pounds, current money of this Province, for every fifty pounds, and so as no calls be made but at the distance of two months at the least from each other; which money so called for, shall be paid to such person or persons, and in such manner as the said General Assembly shall, from time to time, appoint, and direct to the use of the said undertaking; and such Committee, by virtue of the orders which it shall receive from the General Assembly, shall have full power and authority to direct and manage all and every the affairs of the said Company of Proprietors, as well in buying and purchasing lands, liberties and materials for the use of the said navigation, as in employing, ordering and directing the work and workmen, and in placing and displacing Under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said bargain, so as no such purchase, bargain, or other matter be done or transacted without the concurrence of the majority of the said Committee assembled; and every owner or owners of one or more part or parts, share or shares in the said undertaking, shall pay his, her or their share or shares or proportion of the monies to be called for, as aforesaid, at such time and place as shall be appointed, of which one calendar months notice at least shall be given, by publishing the same in the Quebec and Montreal newspapers, and in such other manner as the said Proprietors, their successors or assigns shall, at any General Assembly, direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money to be called for as aforesaid, at the time and place appointed by such General Assembly or Committee, he, she, or they so neglecting or refusing, shall incur a forfeiture in the proportion of five pounds for every hundred pounds of the sum called for; and in case such person or persons shall neglect to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they so neglecting, shall forfeit his, her or their respective share or shares, part and interests in the said navigation, undertaking, and premises, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Company of the Proprietors of the said navigation, their successors and assigns, in trust for, and for the benefit of all the rest of the said proprietors, in proportion to their respective interests.

Shares, in what
manner forfeited.

XIX. Provided always, and be it further enacted by the authority aforesaid, that no advantage shall be taken of any forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, who shall meet within six calendar months next after such forfeiture shall happen to be made; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatsoever to be commenced or prosecuted for any breach of contract, or other agreement betwixt such proprietor so forfeiting, and the rest of the proprietors, with regard to the carrying on the said intended navigation.

Company of
Proprietors may
remove all per-
sons chosen by
any Committee.

XX. And be it further enacted by the authority aforesaid, that the Company of Proprietors, their successors and assigns, for the time being, shall always have power and authority at any General Assembly met as aforesaid, to remove or displace any person or persons chosen upon such committee as aforesaid, or any other officer or officers under them to revoke, alter, amend or change any of the rules and directions herein before prescribed and laid down, with regard to their proceedings amongst themselves, as to the major part of them shall seem meet, (the method of calling General Assemblies, and their time and place of meetings and voting, and appointing committees only excepted,) and shall have power to make such new rules, bye-laws and orders for the good government of the said Company, for the good and orderly using the said navigation, canal, tunnels and locks, and for the well governing of the bargemen, watermen, boatmen, raftsmen, and others who shall carry any goods, wares and merchandize, timber or other commodities upon any part of the said canal, and to impose and inflict such reasonable fines or forfeitures upon the persons guilty of a breach of such new rules, bye-laws, and orders as to the major part of such General Assembly shall seem meet, not exceeding the sum of forty shillings current money of this Province, for any one offence; such fines and forfeitures to be levied and recovered by such ways and means as are herein after mentioned; which said rules, bye-laws and orders being put into writing under the common seal of the said Company of Proprietors, their successors and assigns, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or equity to justify all persons who shall act under the same.

Proprietors
may sell their
shares.

XXI. And be it further enacted by the authority aforesaid, that it shall be lawful for the several Proprietors of the said navigation to sell and dispose of any share or shares, he, she, or they shall and may be entitled to therein, subject to the rules and conditions herein mentioned, and any purchaser or purchasers shall for his, her or their security, as well as that of such proprietor or proprietors, have a duplicate or duplicates of the deed of bargain and sale and conveyance made to him, her or them,

them, and executed by such person or persons of whom he, she or they shall purchase the same, and also by the purchaser or purchasers, one part whereof duly executed, both by the feller and purchaser, shall be delivered to the said Committee or their Clerks for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a Book or Books to be kept by the said Clerk for that purpose, for which no more than one shilling and three-pence currency shall be paid, and the said Clerk is hereby required to make such entry accordingly: and until such duplicate of such deed shall be so delivered unto the said Committee, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said navigation, nor any interest for his share paid unto him, her, or them, or any vote as proprietor or proprietors.

Form of transfer of shares.

XXII. And be it further enacted by the authority aforesaid, that every transfer of the said shares shall be in the form or to the purport and effect following, to wit:

“ I, A. B. in consideration of the sum of _____ paid to me by C. D. do hereby bargain, sell and transfer to the said C. D. his (her or their) executors, curators, administrators and assigns, _____ share (or shares) of the undertaking of the Chambly Canal Navigation, to hold to him the said C. D. his heirs, executors, curators, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof, and I the said C. D. do hereby agree to accept the said share (or shares) of the said undertaking, subject to the same rules, orders and conditions. Witness our hands and seals, the _____ day of _____ in the _____ year of our Lord _____.”

Company may appoint a Treasurer, Clerks, &c.

XXIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Company of Proprietors, and they are hereby authorized and required from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, and to take such sufficient security for the due execution of their respective offices as the said Company of Proprietors shall think proper, and from time to time remove any such Treasurer or Clerk, and appoint others in their place and stead, which said Clerk or Clerks, shall, in a proper book, or books, to be provided for that purpose, enter, and keep a true and perfect account of the names and places of abode of the several Proprietors of the said navigation and undertaking, and of the several persons who shall from time to time become owners and proprietors, or entitled to any share or shares therein, and of all the other Acts, proceedings, and transactions of the said Company of Proprietors, and of the said Committee in the execution of this Act, and that each of the said Proprietors shall and may at all convenient times have recourse to, and peruse and inspect the same, and may demand and have copies thereof, or any part thereof, paying nine-pence for every one hundred

dred words so to be copied ; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse such book or books, or refuse to make any such copy at the rate aforesaid, he shall for every such offence forfeit and pay the sum of five pounds currency ; and whenever any such Clerk or Treasurer shall die or be removed from, or quit the service of the said Company of Proprietors, it shall be lawful for the said Committee, or any three or more of them, to appoint some other fit person in the place of the Treasurer or Clerk so dying, being removed, or quitting the service of the said Company of Proprietors until the then next General Assembly, when such appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his stead.

XXIV. And be it further enacted by the authority aforesaid, that as soon as the said Canal to be made and cut from, at, or near the town of Saint John, to the Basin of Chambly, in manner aforesaid, shall have been completed, so as to be navigable for boats, barges, vessels and rafts, it shall be lawful for the said Company of Proprietors, from time to time, and at all times thereafter, to ask, demand, take, and recover to and for their own proper use and behoof, upon all boats, barges, vessels, and rafts of lumber passing through, or upon the said Canal, the several rates and duties herein-after mentioned, that is to say : for every ton of timber, sixpence currency ; for each boat, barge, or vessel unladen, of four tons measurement and under, seventeen shillings and sixpence currency ; and for each ton measurement above four tons, two shillings currency ; for each ton of merchandize, ten shillings currency ; for each ton of rum, five shillings currency ; for each barrel of pot or pearl ashes, two shillings and sixpence currency ; for every tierce of rice, flour, or other articles, two shillings currency ; for every barrel of pork, one shilling and sixpence currency ; for every barrel of flour, one shilling and three-pence currency ; for every half barrel of flour, ten-pence currency ; for every person not composing the crew of any raft, boat, barge, or other vessel, one shilling and three pence currency ; for every horse, mare, mule, bull, ox, cow, and all other horned and neat cattle, each one shilling and three-pence currency ; and for every hog, goat, sheep, calf, or lamb, three-pence currency ; the said rates to be paid respectively for the whole distance from the town of Saint John to the Basin of Chambly aforesaid, and so in proportion for each mile of the said distance, that any such rafts, boats, barges, or other vessels may pass ; and the said persons, cattle, goods, and effects may be transported upon such Canal ; provided always, that if after the expiration of two years from the time of the completing of the said Canal, so as to become navigable in manner aforesaid, the tolls herein-before established, should be found excessive, it shall and may be lawful for the Legislature of this Province to reduce the said rates of tolls, so as that the same shall not produce to the said Company of Proprietors a greater rate of interest and profit upon their capital stock than fifteen pounds for every hundred pounds of such capital stock ; the expenses of repairs, and keeping up the said Canal remaining, in consideration of such interest and profit, at the charge of the proprietors of shares ; and to this end

Company authorized to take tolls for vessels, &c.

The Rates :

Proviso,

it shall be the duty of the said Company of Proprietors, and they are hereby required to produce and lay before the several branches of the Provincial Parliament, within two years after the said Canal shall have been completed, and become navigable as aforesaid, a just and true statement, and account of the monies by them disbursed and laid out in the making and completing of the said Canal in manner aforesaid, and also of the amount of the tolls and revenue of the said Canal, and of the annual expenditure and disbursements in maintaining and keeping up the same, during the said two years; the said several accounts and statements to be signed by the President and Treasurer of the said Company of Proprietors, and by such President and Treasurer, attested before any of the Judges of either of His Majesty's Courts of King's Bench in this Province.

XXV. Provided always, and be it further enacted by the authority aforesaid, that in all cases where there shall be a fraction of a mile in the distance which any boat, barge, or other vessel, or any raft, shall be navigated or pass upon the said intended Canal, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and that in all cases where there shall be a fraction of a ton in the measurement of any boat, barge, or other vessel to be navigated on the said intended Canal, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors for such fraction, according to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton in any such measurement as aforesaid, such fraction shall be deemed and considered as a whole quarter of a ton; and in all cases where timber, boards, plank and scantling in rafts, shall pass upon, or through the said Canal, the aforesaid dues thereon shall be calculated in proportion to the quantity of feet; but no quantity under twenty-five feet thereof shall pay less than the proportion which may be charged for any twenty-five feet of such timber, boards, plank, and scantling as aforesaid.

Fraction of miles, & fraction of tons, how settled.

XXVI. And be it further enacted by the authority aforesaid, that the said several rates and dues shall be paid to such person or persons, at such place or places near to the said Canal in such manner, and under such regulations as the said Company of Proprietors shall direct or appoint. And in case of denial or neglect of payment of any such rates or dues, or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for, and recover the same in any Court having jurisdiction thereof, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such boat, vessel, barge or raft, for, or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

XXVII.

Company at
their first Meet-
ing to fix
the rates and dues
to be taken by
virtue of this Act.

XXVII. And be it further enacted by the authority aforesaid, that the said Company of Proprietors shall, at their first General Assembly, to be held as aforesaid, ascertain and fix the rates or dues to be taken by virtue of this Act; and that it shall be lawful for the said Company of Proprietors, at any General Assembly to be held for that purpose, (of which three calendar months notice at the least shall be given, in the manner herein-provided for giving the notice of other General Assemblies) to lessen or reduce all or any of the said rates or dues, as the said Company of Proprietors shall think proper, and afterwards from time to time, at any General Assembly, of which notice shall be given as aforesaid, to advance and raise all or any of the said rates or dues so lessened; provided always, that the said rates or dues so to be advanced, ascertained, and fixed as aforesaid, shall not in any case exceed the said rates or dues herein-before granted; and that no reduction of the said rates or dues shall be made without the consent of the Proprietors of at least five hundred shares in the said navigation.

Proviso.

Owners of ves-
sels to allow
the guaging of
them.

XXVIII. And for preventing disputes touching the tonnage of any boat, barge, or other vessel navigating upon the said Canal, be it further enacted by the authority aforesaid, that the owner or master of every such boat, barge, or vessel, shall permit and suffer every such boat, barge, or other vessel to be guaged or measured; and refusing so to permit and suffer, shall forfeit and pay the sum of forty shillings currency; and it shall be lawful for the said Company of Proprietors, or their Toll-gatherer, or such person or persons as shall be appointed by them for that purpose, and such owner, or master, each to choose one person to measure and ascertain such tonnage, and to mark the same on such boat, barge, or other vessel; which mark shall always be evidence of the tonnage in all questions respecting the payment of the aforesaid rates or dues; and if such owner or master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company of Proprietors, or their toll-gatherer, shall have alone the power of ascertaining such tonnage.

Penalty for
refusal.

All description
of persons entit-
led to use the
roads and ways
to be made except
the towing-paths
—and permitted
also the use of
the same, on pay-
ing certain rates
and dues.

XXIX. And be it further enacted by the authority aforesaid, that all persons whomsoever shall have free liberty to use with horses, cattle, and carriages, the private roads and ways to be made as aforesaid, (except the towing-paths) for the purpose of conveying any goods, wares, merchandize, lumber, and commodities whatsoever, to or from the said Canal, and also to navigate upon the said Canal with any boats, barges, vessels, or rafts, not exceeding fifteen feet in breadth, and to use the said wharves and quays for loading and unloading any goods, wares, merchandize, lumber, and commodities; and also to use the said towing-paths with horses, for hauling and drawing such boats and vessels, upon payment of such rates or dues as shall be demanded by the said Company of Proprietors, not exceeding the rates and dues before mentioned.

XXX.

Owners and occupiers of lands adjoining the Canal permitted to navigate boats for the purpose of husbandry only, but not passing the locks without leave, without paying any rate or duty.

XXX. Provided always, and be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the owners and occupiers of any lands adjoining to the said Canal, to use any pleasure-boats, or any boats upon the said Canal, for the purpose of husbandry only, or for conveying cattle from one farm or part of a farm or lands, to any other farm or lands of the same owner or occupier, (not passing through any locks without the consent of the said Company of Proprietors, or their successors, or their principal agent for the time being,) without any interruption from the said Company of Proprietors or their successors, and without paying any rate or duty for the same, so as the same be not made use of for the carrying of any goods, ware, or merchandize to market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the navigation of the said intended Canal, or the towing-paths thereof.

Within six calendar months, the company may at their own expence keep divided the lands which they have purchased for the use of the said Canal, by posts, &c.

XXXI. And be it further enacted by the authority aforesaid, that the said Company of Proprietors shall, within six calendar months after any land shall be taken for the use of the said Canal, at their own proper costs and charges, divide and separate, and keep constantly divided and separated, the towing-paths on each side of the said Canal, and their trenches or passages, or such part or parts thereof as may be necessary from the adjoining lands or grounds, by posts and rails, hedges, ditches, trenches, banks or other fences sufficient to keep out sheep and other cattle, to be set and made on the lands or grounds which will be purchased by, conveyed to, or vested in them as aforesaid, and shall at their own proper costs and charges, from time to time, maintain and support the said towing-paths and the said posts, rails, hedges, ditches, trenches, banks, and other fences, erected, set up, and made as aforesaid, and also shall, at their own charges make, erect and set up such and so many convenient gates, hedges and stiles in and over all the hedges and fences to be by them so made on the sides of such towing-paths as aforesaid; and also such bridges, arches, and passages over, under, or through the said Canal, and the said trenches, streams and water-courses, and of such dimensions as may be necessary and effectual for the owners and occupiers of the lands or grounds adjoining to the said Canal, trenches, streams, water-courses, and towing-paths, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any trench, or water-course, or any part thereof, in or across any common highway, public bridle-way or foot-path, until they shall at their own proper charges have made and perfected such bridges, passages, or arches over, through and under the places where the said Canal, trenches, or water-courses respectively shall be intended to be made for such road, way, or path, and of such dimensions, and in such manner as may be found proper and effectual; and all such gates, stiles, bridges, arches, and other works and conveniences so to be made, shall from time to time, be supported, maintained, and kept in sufficient repair by the said Company of Proprietors.

In case of floods, Company may enter the lands adjoining, and to take all such stones as may be necessary for repairing the damages, but not to enter into any orchard, &c.

XXXII. And whereas it may happen from floods or from some unexpected accidents, that the locks, weirs, flood gates, dams, banks, reservoirs, trenches, or other works of the said navigation, may be damaged or destroyed, and the adjacent lands and property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further damages; Be it therefore further enacted by the authority aforesaid, that when and as often as any such case may happen, it shall be lawful for the said Company of Proprietors from time to time, or for their or any of their servants, agents, or workmen, without any delay or interruption, from any person or persons whomsoever to enter into any lands, grounds or hereditaments adjoining, or near to the said intended Canal, or branches, reservoirs, or trenches, or any of them, (not being an orchard, garden or yard) and to dig for, work, get and carry away and use all such stones, gravel, and other materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments or any of them, doing as little damage thereby as the nature of the work will admit of, and making recompence for such damages to the owners or occupiers of, or other persons interested in such lands, grounds, property, or hereditaments, within the space of six calendar months next after the same shall be demanded, for all damages which shall or may be done by means of the digging for, getting, working, taking, carrying away, and using such stones, gravel, and materials, or any of them; which damages, and the satisfaction and recompence in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined by the ways and means herein prescribed, with respect to other damages done by the making and completing the said navigation.

Owners of lands adjoining the Canal, may erect wharves on their lands.

XXXIII. And be it further enacted by the authority aforesaid, that nothing in this Act shall extend or be construed to extend to restrain or hinder the owner or owners of any lands or grounds through which the said Canal may pass, from making, erecting, or using any wharves, quays, landing places, cranes, weigh-beams, or warehouses, in or upon their own lands, grounds, or waters adjoining, or near to the said Canal, or from landing any goods or merchandize, or other things thereupon, or upon the banks lying between the same and the said Canal, or from making or using proper and convenient places for boats, barge, or other vessels to be in, so that the making, erecting, or using thereof respectively, shall not, and do not encroach upon, obstruct, or prejudice the navigation of the said Canal, or the towing paths thereof; and provided the same be made and erected within twelve calendar months after notice given to such owner or owners, by or on behalf of the said Company of Proprietors, that the said lands or grounds are necessary for the purposes aforesaid; and all sums of money which shall be paid for the use and benefit of the said wharves, quays, landing places, cranes, weigh beams, and warehouses respectively, shall be, and the same are hereby vested in the owner or owners of such lands or

or grounds, who shall make and erect such wharves, quays, landing-places, cranes, weigh-beams, or warehouses respectively, his, her, and their heirs and assigns, so that the rates or dues hereby granted to the said Company of Proprietors shall not be thereby reduced or altered.

Company authorized to open and cut proper spaces in the lands adjoining the said Canal, for the turning, lying, and passing of vessels.

XXXIV. And be it further enacted by the authority aforesaid, that the said Company of Proprietors shall and may in such parts of the said Canal, as shall not be of sufficient breadth for admitting a boat, vessel, or raft to turn about, or lie, or for two boats, or other vessels, or rafts, to pass each other, to open or cut proper spaces or places in the lands adjoining to the said Canal, at convenient distances from each other, for the turning, lying, and passing of any such boat, vessel, or raft; and that the said boats, vessels and rafts being hauled or navigated upon the said Canal, shall upon meeting any other boat or vessel, stop at, or go back to, and lie in the said spaces or places, in such manner as the said Committee, or the major part of them, under their hands, shall direct and appoint.

Owners of vessels answerable for all damages.

XXXV. And be it further enacted by the authority aforesaid, that the master or owner of any boat or other vessel navigating upon the said Canal, shall be, and is hereby made answerable for any damage, spoil or mischief, loss or accident, occasioned through negligence or design, that shall be done by his boat or other vessel, or by any of the boatmen or watermen employed in and about the same respectively, unto any of the bridges, weirs, locks, dams, engines, or other works, in, upon, or near the said intended Canal, or by loading or unloading any boat or other vessel; and for any injury or damage that shall or may be done to the owners of any building or land adjoining the same; and the master or owner of such boat or other vessel, shall and may be prosecuted for the same in any Court of Record; and if a verdict, or judgment, be given against him, in such Court in any such case, the plaintiff shall recover his damages thereby sustained, with costs of suit.

Penalty on persons for obstructing the navigation of the Canal.

XXXVI. And be it further enacted by the authority aforesaid, that if any boat, vessel or raft shall be placed in any part of the said Canal, so as to obstruct the navigation thereof, and the person having the care of such boat, vessel or raft, shall not immediately upon request of any of the servants of the said Company, made for that purpose, remove the same, he shall, for every such offence, forfeit a sum of ten shillings currency, for every hour such obstruction shall continue; and it shall be lawful for the agents or servants of the said Company of Proprietors, to cause any such boat, vessel, or raft to be unloaded, if necessary, and to be removed in such manner as shall be proper for preventing such obstruction in the navigation, and to seize and detain such boat, vessel, or raft, and the loading thereof, or any part of such

such loading, until the charges occasioned by such unloading and removal, are paid; and if any boat or vessel shall be sunk in the said Canal, and the owner or owners, or the person or persons having the care of such boat or vessel, shall not, without loss of time, weigh or draw up the same, it shall be lawful for the agents or servants of the said Company of Proprietors, to cause such boat or vessel to be weighed or drawn up, and to detain and keep the same till payment be made of all expenses necessarily occasioned thereby.

Penalty on persons overloading their vessels, or sending timber a-drift, or throwing ballast in the said Canal.

XXXVII. And be it further enacted by the authority aforesaid, that if any person shall float any timber upon the said Canal, or shall suffer the loading of any boat or vessel to lie over the sides, or shall overload any boat, vessel, or raft navigating in or upon the said Canal, so as by such overloading to obstruct the passage of any other boat, vessel, or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, vessel or raft so obstructing the passage as aforesaid, to remove the same, so as to make a free passage for other boats, vessels or rafts, every such owner, or person floating such timber, or having the care of such boat, vessel, or raft so obstructing the passage as aforesaid, shall forfeit and pay for every such offence, the sum of five pounds currency; and if any person shall throw any ballast, gravel, stones, or rubbish into any part of the said Canal, every such person shall for every such offence forfeit a sum not exceeding five pounds currency; which said respective forfeitures shall be paid to the said Company of Proprietors, to be by them applied for the purposes of the said navigation.

Subscribers to pay the amount, or such part of their subscription, when called for by the Company.

XXXVII. And be it further enacted by the authority aforesaid, that the several and respective persons united into a Company of Proprietors as aforesaid, for making the said Canal and other works as aforesaid, shall, and are hereby severally required to pay the respective sums which may be by them subscribed to be advanced as aforesaid, towards making and completing the said Canal and other works, or such parts or proportions of such sums as shall from time to time be called for by the said Company of Proprietors, by virtue of the powers and directions of this Act; and also, all persons who may hereafter subscribe and agree to advance and pay any money for the purposes aforesaid, are hereby required to pay the sum or sums of money which shall be by them respectively subscribed to be advanced, or such parts or proportions thereof as shall from time to time be called for by the said Company of Proprietors, by virtue of the powers and directions of this Act; and in case any of the said several and respective persons who may have subscribed, or who shall hereafter subscribe to advance and pay any sum or sums of money as aforesaid, shall neglect or refuse to pay the same, at such time and times as shall be required by the said Company of Proprietors as aforesaid, then, and in that case it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law having jurisdiction.

XXXVIII.

Time limited
for completing
the said Canal.

XXXIX. And be it further enacted by the authority aforesaid, that the said Company of Proprietors, to entitle themselves to the benefit and advantages to them granted by this Act, shall, and they are hereby required to make and complete the said Canal, from, at, or near Saint John to the Basin of Chambly, in manner aforesaid, within seven years from the passing of this Act; and if the same shall not be so made and completed within the period before-mentioned, so as to be navigable for boats, barges, vessels and rafts, then this Act, and every matter and thing therein contained, shall cease, and be utterly null and void.

Damages occasioned to owners of lands by reason of the execution of this Act, to be settled by experts.

XL. And be it further enacted by the authority aforesaid, that if at any time or times hereafter, any person or persons shall sustain any damage in his, her, or their lands, tenements, hereditaments, or property, by reason of the execution of any of the powers hereby given, or through, or by means not herein-before provided for; then, and in every such case, in case of difference of opinion and dispute about the *quantum* thereof, upon the application by petition of the party injured, to His Majesty's Court of King's Bench, of and for the District of Montreal, of which fifteen days notice at least in writing shall be given to the said Company of Proprietors, and served upon any one of the said Proprietors, or their Treasurer or Clerk for the time being, which petition shall set forth the grounds of such application, the said 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, for 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 of the County, to be returned for trials of issues joined in civil cases, in the said Court of King's Bench, to appear before the said Court 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 Jurymen, but shall not challenge the array; and the said Court is 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 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 is 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 or shall be sustained as aforesaid; and the said Court 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.

Any time before or after the completing of the said Canal, the King may assume the property of the Canal on paying the value thereof.

XLI. And be it further enacted by the authority aforesaid, that at any time before or after the making and completing of the said Canal, it shall and may be lawful for His Majesty, his heirs and successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging, or in any wise appertaining, upon paying to the said Company of Proprietors, their heirs, executors, curators, administrators and assigns, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber, towards the making and completing of the said Canal, together with such further sum as will amount to twenty per centum, upon the monies so advanced and paid, as a full indemnification to such Company of Proprietors; and the said Canal shall, from the time of such assumption, in manner aforesaid, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforward be substituted in the place and stead of the said Company of Proprietors, their heirs and assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

Penalty on persons who shall wilfully and maliciously break or destroy any works belonging to the said Canal.

XLII. And be it further enacted, by the authority aforesaid, that if any person or persons shall wilfully, maliciously, and to the prejudice of the said Canals, break, throw down, damage, or destroy any bank, lock, gate, sluice, or any works, machine, or device to be erected or made by virtue of this Act, or do any any other wilful Act, hurt, or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting, and maintaining the said Canal, every such person or persons so offending, shall forfeit and pay to the said Company of Proprietors, the value of the damage proved, by the oath of two or more credible witnesses, to have been done; such damages, together with costs of suit in that behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the sum; or in case of default of payment, such offender or offenders may be committed to the common gaol for any time not exceeding three months, at the discretion of the Court, before which such offender shall be convicted.

Penalties and fines, how recoverable.

XLIII. And be it further enacted by the authority aforesaid, that all penalties and forfeitures for offences against this Act, or against any rule, order, or bye-law of the said Company of Proprietors, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is herein before directed, shall upon proof of the offences respectively, before any two Justices of the Peace for the District of Montreal, either by the confession of the party or parties, or by the oath of any one credible witness (which oath such Justices are hereby empowered and required to administer without fee or reward) be levied by distress, and sale of the goods and chattels of the party or parties offending, by warrant under the hand and seal of such Justice, (which warrant such Justices are hereby empowered to grant) and the overplus after

after such penalties and forfeitures, and the charges of such distress and sale are deducted, shall be returned upon demand, to the owner or owners of such goods and chattels; and in case sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid; it shall be lawful for such Justices, by warrant under their hands and seals, to cause such offender or offenders to be committed to the common gaol for the District of Montreal, there to remain without bail or mainprize for such time as such Justices shall direct, not exceeding twenty days, unless such penalties or forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; all which said penalties and forfeitures, when levied or satisfied in manner aforesaid, shall be paid to the said Company of Proprietors, to be by them applied for the purposes of the said navigation.

Persons aggrieved may appeal to the Quarter Sessions.

XLIV. And be it further enacted by the authority aforesaid, that if any person or persons shall think himself, herself, or themselves aggrieved by any thing done by any Justice of the Peace, in pursuance of this Act, every such person or persons may, within six calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter Sessions, to be holden in and for the District of Montreal.

Limitation of actions.

XLV. And be it further enacted by the authority aforesaid, that if any suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or the orders and directions herein-before given or granted, every such suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease and not afterwards, and the defendant or defendants in such action or suit shall and may plead the general issue, and give this Act, and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action, or suit, shall be brought after the time herein-before limited for bringing the same, or if the plaintiff or plaintiffs shall become non-suit or discontinue his, her or their suit, or action, after the defendant or defendants shall have appeared, or if judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall have full costs, and shall have such remedy for the same, as any defendant or defendants hath, or have for costs of suit in other cases of Law.

General issue.

XLVI. And be it further enacted by the authority aforesaid, that nothing herein contained shall affect, or be construed to affect, in any manner or way whatsoever, the right of His Majesty, his heirs or successors, or of any person or persons, or of any bodies politic or corporate, such only excepted, as are herein-mentioned.

XLVII.

Public Act.

XI.VII. And be it further enacted by the authority aforesaid, that the Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

C A P. XIX.

An ACT to authorize *Claude Dénéchau* and *Joseph Fraser*, Esquires, to erect a Toll-Bridge over the River Du Sud, in the Parish of Saint François, in the County of Hertford.

(1st April, 1818.)

Preamble.

WHEREAS the erection of a Bridge over the River du Sud, at the Ford near the residence of *Joseph Fraser*, esquire, in the Parish of Saint François, in the County of Hertford, would materially improve the convenience and facility of the intercourse of the inhabitants of the adjacent parishes and concessions, and of the public at large: And whereas *Claude Dénéchau*, of the City of Quebec, esquire, and *Joseph Fraser*, of the said parish of Saint François, in the County aforesaid, esquire, by their Petition in that behalf, have prayed leave to erect a Toll-bridge over the said River du Sud—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 it shall be lawful to and for the said *Claude Dénéchau* and *Joseph Fraser*, and they are hereby authorized and empowered at their own costs and charges to erect and build a good and substantial Bridge over the said River du Sud, at the Ford near to the place of residence of the said *Joseph Fraser*, esquire, and to erect or build one Toll-House and Turnpike, with other dependencies, on or near the said Bridge; and also to do, perform, and execute all other matters and things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said intended bridge, toll-house, turnpike, and other dependencies, according to the tenor and true meaning of this Act; and further, that for the purpose of erecting, building, maintaining, or supporting the said bridge, the said *Claude Dénéchau* and *Joseph Fraser*, their heirs, executors, curators, and assigns, shall have full power and authority to take, from time to time, and use the land on either side of the said River du Sud, and there to work up, or cause to be worked up the materials

Claude Dénéchau and *Joseph Fraser* authorized to build a Toll-Bridge over the river Du Sud.