

C A P. VI.

An Act for making and maintaining a Navigable Canal from the neighbourhood of the City of Montreal to the Parish of Lachine, in the Island and County of Montreal.

(24th April, 1819.)

Preamble.

WHEREAS a Canal from the foot of the current of Saint Mary, having one lateral branch to terminate in the Harbour of Montreal and other lateral branches, would essentially facilitate the communication by water between Montreal and the Province of Upper Canada, would afford a more easy, cheap and advantageous conveyance for all goods, wares and commodities whatsoever, and in other respects be of great public utility. And whereas many of the citizens of Montreal have by their petition, represented that they are desirous, at their own cost and charges, to make and maintain the said intended Canal, but cannot effect the same without the aid and authority of the Legislature: Wherefore, for obtaining and perfecting the 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 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 and may be lawful for John Forsyth, Louis^e Guy, William M^cGillivray, Joseph Perrault, Thomas Porteous, Jacques Antoine Cartier and David David, to cause books of subscription to be opened for shares in the said undertaking of making and completing a Canal from Lachine to the foot of the current of Saint Mary, having a lateral branch issuing at or near the Harbour of Montreal, and for this purpose they shall be held and bound to give two weeks public notice in all the newspapers of the Province, 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, and Town of Three Rivers, where such books shall be 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 town respectively: and during the period of one month and a half from and after the opening of such books, it shall and may be lawful for any person, after paying an advance and deposit of five per cent upon the whole value of the shares he shall take in the said undertaking, which deposit shall be delivered

Books of subscription for shares to be opened at Quebec, Montreal and Three Rivers.

Proviso.

Amount of subscription to be employed in making and keeping up a canal from Lachine to the foot of the current Saint Mary, with a lateral branch to the city of Montreal.

to the President and Committee of Directors of the Company of the Proprietors of the La Chine Canal, immediately after their election, or delivered wholly to the subscribers if the total amount of the subscription do not at the end of one month and a half after such books shall have been opened, amount to the sum of seventy-five thousand pounds, current money of this Province, to subscribe for any number of shares not exceeding in the whole one hundred and fifty; Provided always, that if at the expiration of one month and a half from the opening of such books as aforesaid, the total number of shares necessary for the making and completing the said Canal, shall not have been subscribed for, it shall and may be lawful for each and every person who may have already subscribed, and for any other person to take and subscribe for such a further number of shares as he shall think fit, and if the number of shares so as aforesaid subscribed for, shall at the expiration of one month and a half after such books shall be opened, amount to one half the sum which is to form the capital stock of the said undertaking, then, and not otherwise the said persons who shall have subscribed and paid the deposit of five per cent hereinbefore mentioned, and all their several and respective successors, heirs, executors, curators, administrators and assigns, together with such person or persons as after that time shall become a subscriber or subscribers to the said navigation for one or more share or shares as hereinbefore mentioned, shall be, and they hereby are 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 the Proprietors of the Lachine 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, for them and their successors and assigns, for making the said Canal, and the several works hereby authorized to be made, without His Majesty's *Lettres d'Amortissement*, saving nevertheless to the Seigneur or Seigniors, within whose *confin* the lands, tenements, and hereditaments so purchased, may be situate, his and their several and respective *Droits d'Indemnité*, and all other seigniorial rights whatever, and also to sell any of the said lands, tenements, and hereditaments purchased for the purposes aforesaid; 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, tenements, or hereditaments, for the purposes aforesaid and the same to repurchase of the said Company without *Lettres d'Amortissement*.

Commander of the forces, may take, on His Majesty's behalf, any number of shares not exceeding 600

II. Provided always, and be it further enacted by the authority aforesaid, that it shall and may be lawful for the Commander of His Majesty's Forces in this Province, for the time being, to subscribe and hold in the Capital Stock of the said Canal for and on the behalf of His Majesty, any number of shares therein, not exceeding six hundred.

Governor may
take 200 shares
on behalf of the
Province.

III. Provided also, and be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, to subscribe and hold in the Capital Stock of the said Canal, for and on the behalf of this Province, any number of shares therein, not exceeding two hundred, the amount of which said shares so to be subscribed and held as aforesaid, the said Governor, Lieutenant Governor, or person administering the government of this Province for the time being, is hereby authorized by a warrant or warrants, under his hand and seal, directed to the Receiver General of this Province, to take out of the unappropriated monies which now remain or hereafter may remain, and be reserved in the hands of the said Receiver General for the future disposition of the Provincial Parliament of this Province.

When the full
number of shares
are subscribed for
subscribers may
purchase other
shares.

But not to
entitle them to
additional votes.

IV. Provided always, and be it further enacted by the authority aforesaid, that so soon as the full number of shares in the aforesaid undertaking 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 this 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.

Company to
make a Canal
from La Chine to
the foot of the
current St. Mary,
with one branch
to the old market
place and other
lateral branches.

V. 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 and held from and after the passing of this Act, by themselves, their Deputies, Agents, Officers and Workmen, to make and complete a Canal navigable for vessels, boats, barges and rafts, from the parish of Lachine, in the County and Island of Montreal aforesaid, through the said Island of Montreal aforesaid, to terminate at the foot of the current of Saint Mary, with one lateral branch which shall terminate at the Port of Montreal, near the Old Market place, and with such other lateral branches to terminate in such other place or places as the said Company, of Proprietors may deem it expedient, the said Canal to continue to the last mentioned place through the low ground in the rear of the said City of Montreal; the locks of which said Canal shall not be less than twenty feet in breadth, and not less than one hundred feet in length, and which Canal shall be navigable for vessels drawing at least five feet water; and shall not be less than forty feet wide at the surface of the water, nor less than twenty-eight feet wide at the bottom; and shall commence and terminate at such points within the limits aforesaid, and shall be made and carried upon as direct a line as may be found practicable, and as the local situation, circumstances, and the nature of the ground will permit; and if necessary may cross any road, street, square or market place. Provided that no-

thing

Proviso.

thing herein-contained, shall be construed to entitle the said Company of Proprietors to enter upon any part of the ground at present fenced in and enclosed, used as yards and gardens for the Little Seminary of Montreal, unless with the express consent in writing of the Ecclesiastics of the Seminary of St. Sulpice of Montreal.

A survey and levels of the grounds through which the said Canal is to pass, to be taken, by a sworn Land Surveyor, and an Engineer to be appointed by the Company.

IV

VI. And be it further enacted by the authority aforesaid, that for the purposes of this Act the said Company, shall, by some sworn Land Surveyor in this Province, and by an Engineer, by them to be therefore appointed, cause to be taken and made, surveys and levels of the said 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 through 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 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 six pence, current money of this Province, 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.

If the Canal intersects a highway, Company to erect a bridge over the same within one month

VII. And be it further enacted by the authority aforesaid, that when and as often as it shall be necessary to cut into any highway in order to conduct the said Canal through the same, the said Company of Proprietors shall, within one month, cause to be constructed a secure, sufficient and commodious Bridge, to be reported such, by *Experts*, for the passing of carriages, in order to re-establish the communication between the several parts of such Highway, which *Experts* shall report upon oath to the Justices of the Peace for the District of Montreal, at their next Quarter Sessions of the Peace, under the penalty of five pounds, currency, for each and every day after the expiration of the said time, which the said Company of Proprietors shall neglect to construct such secure, sufficient and commodious Bridge as aforesaid.

VIII.

Company to
Impowered
break down public
Bridges and to
erect other Brid-
ges, in lieu of
those taken in
pieces.

Penalty.

VIII. And be it further enacted by the authority aforesaid, that if for the making of the said Canal it be necessary to take in pieces any public Bridge, within or beyond the extent of the city of Montreal, it shall be lawful for the said Corporation of the Proprietors of the Lachine Canal to cause the same to be taken down and removed, and they shall be held and required to cause to be completed within the space of one month, all the necessary works in such parts of the said Canal, and to cause to be re-built, within the same time, new, safe, sufficient and convenient Bridges, according to the finding of *Experts*, who shall make their report upon oath to the Justices of the Peace at their Quarter Sessions, under a penalty of five pounds, currency, which said Corporation shall pay, for each day's delay of re-building any of the said Bridges.

Individuals in
certain cases, may
build new Bridges
over the Canal.

IX. And as the division of lands may render the erection of new Bridges over the said Canal necessary, be it further enacted by the authority aforesaid, that every proprietor of Land who may choose at his own cost and charges, to erect any Bridge to communicate with the several parts of his property separated by the said Canal, may do so, provided such Bridge do not present more obstacles to the navigation of the said Canal, than the neighbouring Bridges erected thereon.

When the Canal
crosses the land of
any person, so as
to intercept the
communication
between the land
and any highway
or street, Compa-
ny to build Brid-
ges.

X. And be it further enacted by the authority aforesaid, that if the said Canal be directed across and do cross the land of any person so as to cut off that free communication which he had from his land to any highway or street: in such case, the said Company of Proprietors shall be held and they are required to cause to be constructed a Bridge for the passage of carriages, safe, sufficient and convenient, according to the finding of *Experts*; which Bridge, when the case or the nature of the ground permits, they shall cause to be placed in the division line between two neighbouring proprietors, so that the use of the said Bridge may be common to them both, for their egress from their neighbouring lands, which Bridges shall by the said Corporation be erected within the same spaces of time and under the like penalty as herein-before enacted, and the keeping in repair whereof, shall be at the charge of the said Proprietors.

Company of
Proprietors au-
thorized to apply
to the proprietors
of the lands, thro'
which the Canal
is intended to
pass, for the pur-
chase of land, and

XI. 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 case of controversy, to apply to the Company to estimate the value.

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 all questions which shall arise between the said Company of Proprietors or a majority of them, and the several proprietors of and persons interested in any lands, grounds or waters that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sustained by any bodies politic or corporation, communities or any other person or persons respectively, being owners of or interested in any lands, grounds or waters for or by reason of the making, repairing or maintaining the said Canal or reservoirs, trenches, passages, gutters, water-courses, roads, ways, locks or sluices, for supplying the same with water as aforesaid, or by the flowing, leaking or rising of the water, over or through the Banks of the said Canal, reservoirs or other conveniences connected therewith, or by turning or diverting any streams or brooks into the same, shall and may be settled by agreement of the parties, or by arbitration, or if either of the parties shall not be inclined to make an agreement, or to appoint Arbitrators, or by reason of absence, shall be prevented from treating, or through disability by nonage, coverture or other impediment, cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case, the said Company of Proprietors or a majority of them, may make application to the Court of King's Bench of the District of Montreal, stating the grounds of such application, and such Court is hereby empowered and required from time to time, upon such application, to issue a Warrant directed to the Sheriff of the District of Montreal, 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, qualified according to the Laws of this Province, 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 challenge 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 authorise 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 Judgement for such sum, rent, or indemnification, so to be assessed

ferred 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.

The Company authorized 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.

XII. 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 and empowered 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 water to supply 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 or above 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, excepting as is herein-before provided, 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 in 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 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 laying 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,

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nels, aqueducts, sluices, locks, weirs, pens for water, tanks, 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 by this Act given and granted; 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 St. Lawrence as may be necessary for the making and completing the said Canal.

XIII. 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 Lachine as aforesaid, to the foot of the current of Saint Mary, to take and appropriate for the use of the said Canal, so much of the land covered with the waters of the said river Saint Lawrence, or of the bed thereof as may be found necessary for

for

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.

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.
 Provide.

XIV. Provided always, and be it further enacted by the authority afore-said, 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 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 weeks 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.

XV. Provided always, and be it further enacted by the authority afore-said, 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 more than 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 afore-said, any thing in this Act contained to the contrary notwithstanding.

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

XVI. And be it further enacted by the authority afore-said, that after any lands or grounds shall be set out and ascertained in manner afore-said, for making and completing the said Canal, and other 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, *femes covertes*, or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as afore-said, to contract for, sell and

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convey unto the said Company of Proprietors, all or any part of such lands or grounds, which shall from time to time be set 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 annual rent, to be fixed by a Jury.

XVII. 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 set out and ascertained, shall agree upon or shall have fixed in manner as hereafter directed, a fixed annual rent as an equivalent and not as a principal sum to be paid for the lands or ground so set out and ascertained as necessary for making the said Canal and other the purposes and conveniences relative thereto, for the payment of which annual rent and of every other annual rent agreed upon, or ascertained for the purchase of any lands or grounds the said Canal and the tolls to be levied and collected thereon shall be and are hereby made liable and chargeable in preference to all other claims or demands thereon whatsoever, and in case the amount of such rent should not be fixed by voluntary agreement and compromise between the said parties it shall be fixed by a jury convened and qualified in the manner herein-before prescribed, and all proceedings and litigations in Court shall in that case be regulated, as is prescribed by the eleventh section of this Act.

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

XVIII. 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 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 (except in case of error as herein-before provided) 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.

XIX. 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 among themselves in such proportion as to them shall seem meet and convenient, not being less than ten *per centum* for each instalment,

But not to exceed £150,000, and to be divided into shares.

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 thereto. Provided, that the said sum do not exceed the sum of one hundred and fifty 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 currency, per share; and the money so to be raised, is hereby directed and appointed to be laid out, and applied 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.

Shares how divided.

XX. And be it further enacted by the authority aforesaid, that the said sum of one hundred and fifty thousand pounds, current money of this Province, 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 three thousand equal parts or shares, at a price not exceeding fifty pounds currency, per share, and that the said three thousand 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 have subscribed and payed 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 all and every the bodies politic and corporate, and every person and persons, and 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 three thousandth 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, and all and every 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.

XXI. 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 in the said Company, 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

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; for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares; and for every ten shares above one hundred shares and not exceeding one hundred and fifty, one vote, making twenty-five votes for one hundred and fifty 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-five 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 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 Lachine 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 majority of votes and proxies then present; Provided, that the same person shall not vote by proxy for more than one hundred and fifty shares of absent Proprietors.

Provide,

Persons not being subjects of His Majesty not eligible for the purposes of this Act.

XXII. Provided always, and be it further enacted by the authority aforesaid 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, having become such by the conquest and session of this Province, 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, intituled, “ An Act for naturalizing such foreign Protestants, and others therein-mentioned, 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.

XXIII.

First meeting
of the Proprietors
to be held at
Montreal.

Public notice to
be given.

XXIII. 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 Montreal in the first month after the said Company shall have become capable of proceeding in the manner herein-before prescribed; Provided that public notice thereof have been given during two weeks in one of the newspapers of each of the Cities of Quebec and Montreal and town of Three Rivers, 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, for the time being, are 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 herein-after is 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 in each of the Cities of Quebec and Montreal, and in the Town of Three-Rivers, 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 in the said City of Montreal, the same not being less than thirty days after such notice given, and likewise specify in every such notice the motives 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 therein 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 one thousand 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 ap-
pointed to be sub-
ject to the con-
trol of the Co.

XXIV. 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 controul of

General Assembly,
or other Meet-
ings.

Provided.

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.

General Meet-
ings to settle all
accounts.

XXV. And be it further enacted by the authority aforesaid, that every such General Assembly and the said Committee, 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 expedient 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 one month 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 or the said Committee 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 purchasing and selling 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 of the said undertaking, shall pay his, her or their share or proportion of the monies to be called for as aforesaid, at such time and place as shall be appointed, of which three weeks notice at least shall be given, by publishing the same in the Quebec, Montréal and Three-Rivers Newspapers, and in such other manner as the said Proprietors,

etors, 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 three 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.

XXVI. 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 three calendar months next after such forfeiture shall happen to be made; and every such forfeiture shall be an indemnification by 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 of the said intended navigation.

Company of
Proprietors may
remove all persons
chosen by
any Committee.

XXVII. And be it further enacted by the authority aforesaid, that the said 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 here in-before prescribed and laid down, with regard to their proceedings among 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 lock, 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

on

on 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 published at least twice in one of the public newspapers in both languages, in each of the Cities of Quebec and Montreal, and in the Town of Three-Rivers, and affixed in the office of the said Company of Proprietors, and in all and every of the places where the tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same, and shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law to justify all persons who shall act under the same.

Proprietors may
sell their shares.

XXVIII. 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 which they may have or hold or to which he, she, or they shall and may be entitled to, 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, 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 seller 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, or any interest for his share paid unto him, her, or them, or any vote as proprietor or proprietors.

Form of transfer
of shares.

XXIX. 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, that is to say: "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 Lachine 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

The Rates.

for every ton of timber, six pence, currency; for every cord of fire wood, two shillings, currency; for each boat, barge, or vessel of five tons measurement and under, twelve shillings and six pence, currency; between five and twenty tons measurement, seventeen shillings and six pence, currency; between twenty and sixty tons measurement, twenty five shillings, currency; above sixty tons measurement, thirty shillings, currency; for each ton of merchandize, conveyed in any of the said vessels, five shillings, currency; for each puncheon, two shillings and six pence, currency; for each barrel of pot or pearl ashes, one shilling and three pence, currency; for every tierce of rice, flour, or other articles, one shilling, currency; for every barrel of pork or beef, nine pence, currency; for every barrel of flour, six pence, currency; for every half barrel of flour, four pence, currency; for every person not composing the crew of any raft, boat, barge, or other vessel, one shilling, currency; for every horse, mare, mule, bull, ox, cow, and all other horned and neat cattle, each one shilling, 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 Lachine to the foot of the current of Saint Mary, 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 laid out and expended for the making of the said Canals, the expences 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, 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 for the District of Montreal.

Provide.

Fraction of
miles, & fraction
of tons, how set-
tled.

XXXII. 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

ded 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.

Rates and dues to be paid to persons appointed by the Company.

XXXIII. 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 rate 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.

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

XXXIV. And be it further enacted by the authority aforesaid, that the said Company of Proprietors shall, at the 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 diminished; provided always, that the said rates 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 one thousand shares in the said navigation.

Provided.

XXXV.

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

XXXV. 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 gauged 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 re-
fusal.

All descriptions
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.

XXXVI. 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, 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.

Owners and oc-
cupiers of lands
adjoining the Ca-
nal permitted to
navigate boats
for the purpose of
husbandry only,
but not passing
the locks with-
out leave, with-
out paying any
rate or duty.

XXXVII. 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, wares, 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.

XXXVIII.

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

XXXVIII. 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-courses, 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.

XXXIX. And whereas it may hereafter happen from floods or from some unexpected accidents, that 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

rials 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 works 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 recompense 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.

XL. 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, barges, 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 grounds, who shall make and erect such wharves, quays, landing-places, cranes, weigh-beams, or warehouses respectively, his, her, or 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.

XLI. 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,

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.

XLII. 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.

XLIII. 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 penalty 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 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 until payment be made of all expenses necessarily occasioned thereby.

Penalty on persons overloading their vessels, or sending timber a-drift, or throwing

XLIV. 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

ballast in the said Canal.

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.

XLV. 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 they 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.

Time limited for completing the said Canal.

XLVI. 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 Lachine to the foot of the current of Saint Mary, having a lateral branch issuing at or near the Harbour of Montreal, in manner aforesaid, within three 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,

ges, vessels and rafts, then this Act, and every matter and thing therein-contained, shall cease, and be utterly null and void.

Damages occa-
sioned to owners
of lands by rea-
son of the execu-
tion of this Act,
to be settled by
Experts.

XLVII. 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 in the same manner as Juries at present are, 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 challenge 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, grounds, or the indemnification to be paid for the damage that may or shall be sustained as aforesaid; and the said Court shall give judgment for such sum, rent or indemnification, to be assessed by such Juries; which said verdict, and the judgment thereupon pronounced, shall be binding and conclusive to all intents and purposes, against all bodies politic, or corporate, or communities, and all other persons whomsoever.

Any time be-
fore or after the
completing of
the said Canal,
the King may as-
sume the property

XLVIII. 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 Canal on
paying the value
thereof.

perty 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 by annual payments of at least twenty per cent, allowing moreover to the said Company six per cent interest upon the unredeemed part of the capital, but not allowing them any interest upon the advance of twenty per cent, which is allowed them as aforesaid; 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.

XLIX. 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 Company 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 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.

L. 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 Justices,

Justice, (which warrant such Justices are hereby empowered to grant) and the overplus 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 agrieved
ed may appeal to
the Quarter Ses-
sions.

LI. 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.

LII. 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, by 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.

Saving the King's
rights.

LIII. 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

the rights 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.

Application of
the money to be
accounted for to
His Majesty.

LIV. And be it further enacted by the authority aforesaid that the due application of the said monies pursuant to the directions of this Act, shall be accounted for to His Majesty, his heirs and successors through the Lord Commissioners of His Majesty's treasury for the time being in such manner and form as His Majesty, his heirs and successors shall direct.

Public Act.

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

C A P. VII.

An Act to repeal certain Acts therein-mentioned and to regulate the Lumber Trade.

(24th April, 1819.)

Preamble.

Acts 48 Geo. 3.
Cap. 27 and 51,
Geo. 3. Cap. 18
repealed.

WHEREAS an Act was passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the better regulation of the Lumber Trade," which said Act was by another Act, passed in the fifty first year of His Majesty's Reign, intituled, "An Act to continue for a limited time and amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the better regulation of the Lumber Trade," amended and continued, which said recited Acts have since, by divers Acts been continued until the first day of May, one thousand eight hundred and nineteen, when the same will expire, and whereas it is expedient to repeal the above recited Acts, and that more ample provision for the regulation of the Lumber Trade than hath been heretofore enacted should be made, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America;" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that the above recited Act, passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the

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