

## C A P. VI.

AN ACT for making a Navigable Canal, from the neighbourhood of Montreal to the Parish of Lachine, and to appropriate a certain sum of money for that purpose, and to repeal a certain Act therein mentioned

(17th March, 1821)

## Preamble.

In case the Company of Proprietors incorporated by the Act 59, Geo. III, cap. 6, shall not complete a navigable Canal from Montreal to Lachine, within the time prescribed by that Act, then the sum of £25000 granted by Act 55, Geo. III, cap. 20, and a further sum of £10000 granted under Act 59, Geo. III, cap. 6, shall be appropriated to the completing of the said Canal.

**W**HEREAS it is expedient to adopt effectual measures for opening a Navigable Canal from the neighbourhood of Montreal to Lachine, in the event that the Company of Proprietors by law thereunto authorized, shall not make and complete the same within the period prescribed by an Act passed by the Legislature of this Province in the fifty-ninth year of the Reign of His late Majesty George the Third, Chapter sixth, or shall have lost their right so to do, by not fulfilling the conditions which are imposed on them by the said Act or shall have abandoned their right to make such Canal pursuant to such Act; 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 in case the Company of Proprietors incorporated by the above-mentioned Act passed in the fifty-ninth year of His late Majesty's Reign, for the purpose of 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, shall not make and complete the same within the time by law prescribed, or shall have lost or shall relinquish their right so to do, the sum of twenty-five thousand pounds, currency, heretofore appropriated by an Act of the Legislature of this Province, passed in the fifty-fifth year of His late Majesty's Reign, intituled, "An Act to grant an aid to His Majesty, to assist in opening a Canal from the neighbourhood of Montreal to Lachine, and further to provide for the execution of the same;" and the further sum of ten thousand pounds, appropriated by the third section of the above-mentioned Act passed in the fifty-ninth year of His late Majesty's Reign, towards the above-mentioned Canal, intended to be made by the said Company shall

shall be, and the same is hereby appropriated for the purpose of making a Canal from the neighbourhood of Montreal to Lachine, aforesaid, as herein-after it is directed.

Commander of the forces, subscribing £10,000 towards the Canal in addition to the sum appropriated King's boats to pass the Canal free of Toll.

II. And be it further enacted by the authority aforesaid, that if the Commander of His Majesty's Forces in this Province, shall, on the part of His Majesty's Government, contribute and pay a sum of ten thousand pounds, currency, or more towards the making the said Canal, in addition to the sums herein-above appropriated, all boats, batteaux, lighters or vessels, laden with warlike or other stores, belonging to His Majesty, his Heirs and Successors, shall and may at all times pass and repass through the said intended Canal, without paying any toll or duty whatsoever.

Governor empowered to appoint Commissioners, and Secretary for the purposes of this Act.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, by an instrument under the Great Seal of the Province, to constitute and appoint such and so many persons as he shall think fit, to be Commissioners, and a Secretary to carry into execution and superintend the works necessary to make the said Canal, with power, to remove from time to time, the said commissioners and Secretary, and to appoint others in their stead, or in the stead of such as may, from time to time, die or resign,

Commissioners declared a body corporate.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners and their successors shall be and they are hereby declared to be a body corporate under the name of the "Commissioners for the Lachine Canal," and as such shall have existence until the said Canal shall be completed and no longer; and shall and may, as such body corporate, do, all and whatsoever a body corporate legally may do; and service of any summons upon the Secretary of the said Commissioners in any action against the said Corporation, shall be sufficient to compel the same to appear and defend such action in any Court of competent jurisdiction. And the said Commissioners shall annually submit in the English and French languages to the three branches of the Legislature, an account of the monies by them expended under and in virtue of this Act, accompanied with a statement of their operations pursuant to the same.

Commissioners empowered to make and maintain a navigable Canal from the St. Lawrence

V. And be it further enacted by the authority aforesaid, that the said Commissioners or a majority of them, shall be, and they are hereby authorized and empowered to cause to be opened, made and completed, a navigable Canal, the Locks

near Montreal to  
the waters of that  
river at Lachine.

Locks of which shall not be less than twenty feet in width, and not more than one hundred feet in length, of not less than forty feet at the surface of the water, and twenty-eight feet at the bottom, and navigable for boats, bateaux or vessels drawing four and an half feet of water, from the neighbourhood of Montreal to the Parish of Lachine, in the line and direction which shall be most convenient and practicable for the said undertaking; and the said Commissioners shall, for that purpose, have power and authority to purchase such lands as heretofore may have been or that hereafter shall be set out and ascertained to be necessary for the use of the said Canal, and to supply the same while making, and when made, with water from the River St. Lawrence and from all such Brooks, Springs, Streams and water courses, as shall be formed in making the said Canal or within the distance of one thousand yards from any part of the said Canal, or from any reservoir or reservoirs to be made for supplying the said Canal with water; and to make such and so many feeders and aqueducts for supplying the said reservoirs with water, as to them shall seem necessary and proper. And for the purposes aforesaid, they are hereby authorized to enter into and upon the lands or grounds of or belonging to any person or persons, community, Body Politic or Corporate, whatsoever, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said Canal, and to do and make all such other matters and conveniences as they shall think necessary and proper, for and towards making, effecting, preserving, improving, completing and using the said intended Canal; and also to pare, dig, cut, trench, remove, take, and carry away and lay earth, soil, clay, stone, rubbish, trees, beds of gravel or sand, or any other matters or things which may be dug or got in the making of the said Canal or reservoirs, funnels or aqueducts, or out of any lands of any person or persons contiguous thereto, and which may be proper, requisite or convenient for carrying on, continuing and repairing the said Canal or reservoirs, or which may hinder, prevent, or obstruct the making, using, completing and maintaining the same, and also to make, build erect, and let up, in or upon the said intended Canal, or upon the lands, adjoining or near to the same, such and so many bridges, funnels, aqueducts, sluices, locks, weirs, tanks, reservoirs, drains, wharves, quays, landing places, weigh-beams, cranes and other works, ways, roads and conveniences, as shall be deemed requisite and convenient for the purposes of the said Canal: and also, from time to time, to alter, repair, amend, widen and enlarge the same or any other of the conveniences above-mentioned, as well for the carrying or conveying Goods, commodities and other things to or from the said Canal as for the carrying or conveying of all materials necessary for the making, altering, repairing, amending, widening, or enlarging the works of and belonging to the said Canal, 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 shall be intended to be made, erected, repaired or done; and also

to

to make, maintain, repair and alter any Fences or passages over, under, or through the said Canal or the Reservoirs, Funnels, Aqueducts, Trenches, Gutters, water-courses, Drains 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 of Boats, Barges or other vessels, passing in, through, or upon the said Canal as shall be deemed necessary, 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 Towing-Paths over the sides thereof, doing as little damage as possible in the execution of the several powers hereby granted, and making satisfaction in manner herein-after mentioned, for all damages to be sustained by the Owners or proprietors of such lands or grounds, Rivers, Waters, water courses or Brooks respectively as shall be taken, used, removed, diverted or prejudiced in or by the execution of all or any of the powers granted by this Act.

Extent of the land and ground that may be taken for the Canal, &c.

VI. Provided always, and be it further enacted by the authority aforesaid, that the land and ground to be taken or used for such Canal and Towing-paths, and the Ditches, Drains and Fences to separate such Towing-Paths from the adjoining lands, shall not exceed thirty-six 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 soil; and in such places, where it shall be judged necessary, to widen the said Canal for boats and other vessels to turn, lie or pass each other, not more than sixty yards, nor shall any land or ground, so set out and ascertained for the purpose of making the said Canal and Reservoirs, be applied to the said purposes, without the consent of the owner or owners of the said Lands, respectively, under his or their hands in writing first had and obtained, unless the same shall be valued and paid for in manner as herein-after-mentioned.

Commissioners may take for the use of the Canal, so much land covered with water of the St. Lawrence, for making the Canal and thereon to erect wharves, &c. as may be wanted.

VII. And be it further enacted by the authority aforesaid, that it shall be lawful for the said commissioners, in constructing and making the said Canal from Lachine aforesaid, to the neighbourhood of Montreal as aforesaid, to take and appropriate, for the use of the said Canal, so much of the land covered with the water of the said River Saint Lawrence, 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.

VIII.

When necessary to cut into any highway, to conduct the canal, a bridge to be built for passing of carriages.

VIII. And be it further enacted by the authority aforesaid, that when and as often as it shall be necessary to cut in any highway in order to conduct the said Canal through the same, the commissioners shall, within the shortest possible delay, cause to be constructed a secure, sufficient and commodious Bridge, *à dire d'Experts*, for the passing of carriages, in order to re-establish the communication between the several parts of such highway.

Commissioners empowered to break down public bridges and to erect other bridges, in lieu of those taken down.

IX. And be it further enacted by the authority aforesaid, that if for the making of the said Canal, it shall become necessary to break down any public Bridge, within or beyond the limits of the city of Montreal, it shall and may be lawful to and for the said Commissioners to cause such public Bridge to be broken down and removed, and they are hereby required to cause to be completed, within one month or sooner, all the necessary works of the said Canal, and to cause to be re-built, new, secure, sufficient and commodious Bridges, *à dire d'Experts*, for the passing of carriages, in lieu of those which they shall have so caused to be broken down and removed. Provided always, that none of the Bridges which shall be made over the said Canal, shall be less in span, than the width of the locks of the said Canal.

Proviso.

Bodies politic and other persons allowed to sell and convey to the Commissioners, certain parts of their land, set out for the use of the Canal.

X. And be it further enacted by the authority aforesaid, that after any such parts of the said lands or ground, shall be so set out and ascertained as aforesaid, for making 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, testamentary executors, *fidei commissaires*, and all other Trustees whatsoever, not only for and in 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, whether the same be entailed (*substitués*) or not, which shall be set out or ascertained as aforesaid, to contract for, sell and convey unto the said commissioners, or a majority of them, 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 anywise notwithstanding; and the ground so sold and acquired, for the use of the said Canal, shall for ever thereafter be free of all mortgages and servitudes, (*hypothèques et servitudes*) whatsoever.

XI.

Bodies politic who may be restrained by Law from selling their Land, may receive an equivalent, by a fixed annual rent.

XI. 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 set out and ascertained as aforesaid, shall and may agree upon and fix, as herein-after directed, an annual rent, as an equivalent and not as a principal sum to be paid for the lands or ground necessary for the said Canal and other purposes relative thereto; for the payment of which annual rent, and every other annual rent for lands or grounds purchased for the said Canal, and other purposes relative thereto; the said Canal and the toll to be levied and collected thereon, shall be and hereby are made liable and chargeable in preference to all other claims and demands thereon whatsoever.

Bridges to be constructed across the Canal within certain distances for the convenience of the Public and the Proprietors of the Land thro' which the Canal passes.

XII. And be it further enacted by the authority aforesaid, that for the public convenience and of the several proprietors through whose lands the said Canal shall pass, the said Commissioners shall construct bridges across the said Canal from place to place, not further from each other, than the distance of thirty *arpents*.

Questions arising between the commissioners and Proprietors respecting Lands, that may be taken for the Canal, how to be settled.

XIII. And be it further enacted by the authority aforesaid, that all questions that shall arise between the said commissioners or a majority of them, and the several proprietors 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 corporations, communities or any other person or persons respectively, being owners of or interested in any lands, grounds or waters, for or by reason of the making, repairing or maintaining the said Canal or reservoirs, trenches, passages, gutters, water-courses, roads, ways, locks or sluices for supplying the same with water as aforesaid, or by the flowing, leaking or oozing of the water, over or through the banks of the said Canal, reservoirs 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 commissioners, or a majority of them, may make application to the Court of King's Bench of the District of Montreal, stating the grounds of such application, and such Court is hereby empowered and required from time to time, upon such application, to issue a Warrant directed to the Sheriff of the District of Montreal, for the time being, commanding

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 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 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 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.

In cases of verdicts, expences of summoning and of taking the inquest, as well as the costs and expences, how to be settled and by whom to be borne

XIV. Provided always and be it further enacted by the authority aforesaid, that in all cases where a verdict shall be given for more monies as an indemnification or satisfaction for any lands or grounds, or for any damage to be done to any lands grounds or property of any person or persons whatsoever, than had been previously offered by or on the behalf of the said Commissioners or a majority of them, then all the expences of summoning and of taking such inquest, shall be settled by the Court, and by the said Commissioners be defrayed, out of the monies hereby appropriated; but if any verdict shall be given for the same or for a less sum than had so been previously offered, then and in every such case, the said costs and expences after being settled as above mentioned, shall be borne and paid by the person or persons with whom they shall have had such controversy.

On payment or tender of any sum of money or annual rent, as may be agreed for, between the parties or determined by Arbitrators, or assessed by any Jury, to the pro-

XV. And be it further enacted by the authority aforesaid, that upon payment of such sum or sums of money, or annual rent as shall be contracted or agreed for, between the parties, or determined by Arbitrators, or assessed by such juries in manner respectively as aforesaid, to the Proprietors thereof, or other persons entitled to receive such money or rent respectively, or legal tender thereof made to  
the

proprietors or to any persons intitled to receive the same to the principal officers of such body politic or corporate or community such lands may be applied to the purpose of making the Canal, &c.

the proprietors thereof or such other persons, or to the principal Officer or Officers of any such body politic or corporate, or community, at any time after the same shall have been so agreed for, determined or assented; such lands and grounds, respectively, may be applied to the purpose of making the said Canal, reservoirs and other works thence appertaining.

Agreements and determinations by Arbitrations and verdict and judgment to be kept by the Clerk of the Court of the District of Montreal amongst the records of the Court.

XVI. And be it further enacted by the authority aforesaid, that all agreements and all determinations by Arbitration as aforesaid, and also the said verdicts and judgments thereupon shall be transmitted to, and shall be kept by the Clerk of the Court of King's Bench for the District of Montreal, amongst the records of the said Court, and shall be deemed and taken to be, records of the said Court to all intents and purposes, and the same or true copies thereof, shall be allowed to be good evidence in all Courts in this Province, and all persons shall have liberty to inspect the same, paying for each inspection, the sum of one shilling, and to take copies thereof on paying for each copy not exceeding one hundred words, the sum of six pence, and so in proportion for any greater number of words.

Application to the Court for indemnity for damages to be made within six calendar months & not afterwards.

XVII. And be it further enacted by the authority aforesaid, that application to the said Court for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, nor shall any such application be received after that period.

Penalty on persons floating timber upon the Canal.

XVIII. 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, batteau or vessel, to lie over the sides thereof, or shall over-load any boat, batteau, vessel, or raft, navigating in or upon the said Canal, so as by such over-loading, to obstruct the passage of any other boat, batteau, vessel or raft, and shall not immediately upon due notice given to the owner or person having the care of such boat, batteau, vessel or raft so obstructing the passage as aforesaid, remove the same, so as to make a free passage, every person so offending 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 person so offending, shall for every such offence incur a forfeiture and penalty not exceeding ten pounds, currency; one half of which forfeiture and penalty, and of all other penalties imposed by this Act, shall go to the prosecutor



cator or informer, and the other half to His Majesty, his Heirs and Successors, and shall be paid into the hands of the Receiver-General, and be applied for the public uses of this Province, and the support of the Government thereof.

Spaces may be cut in the Lands adjoining the Canal, for the turning of boats in the said Canal.

XIX. And be it further enacted by the authority aforesaid, that the said Commissioners shall and may, in such parts of the said Canal as they shall deem expedient, open or cut proper spaces or places in the lands adjoining to the said Canal, at convenient distances from each other for the turning or temporary reception of any boat, batteau, vessel or raft, in order that the same as occasion shall require, may retire thereto, so as to afford room to each other for passing and repassing in the said Canal.

In cases of unexpected accidents to the weirs, &c. the same how to be repaired.

XX. 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 Canal, may be damaged or destroyed, and the adjacent lands or 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 such case may happen, it shall be lawful for the aforesaid Commissioners from time to time and for their Workmen and Agents without any delay or interruption from any Person or Persons whomsoever to enter into any lands or grounds adjoining or near to the said intended Canal, or Branches, Reservoirs or Branches connected therewith 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 or grounds, or any of them, doing as little damage thereby, as the nature of the works will admit of, the said Commissioners making recompence for such damages, to the owners or occupiers of, or other persons interested in such lands or grounds, *à dire d'Experts*, to be named by the Commissioners and by the parties concerned according to law.

Penalty on persons destroying

XXI. 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 Canal, break, throw

any Banks or other works of the Canal. throw down, damage or destroy any Bank, Lock, Gate, Sluice or any other work or works, machine or device to be erected or made in virtue of this Act, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution and completing, supporting and maintaining the said Canal, every such person or persons so offending, shall incur a forfeiture and penalty of treble the value of the damage, proved by Oath of two or more credible witnesses to have been done; such damages together with costs of suit to be recovered in any Court of Law, in this Province having competent Jurisdiction, and in case of default by the offender or offenders to make immediate payment of the amount awarded, he or they may at the discretion of the Court before which the conviction shall have taken place, be committed to the Common Gaol for a term not exceeding one month.

Masters of boats made answerable for damages done to any bridges, &c.

XXII. And be it further enacted by the authority aforesaid, that the master or owner of any Bateau, Boat or other Vessel or raft navigating upon the said Canal, shall be and he is hereby made answerable for any damage, spoil or mischief that shall be done by his boat, bateau or other vessel, or raft, 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, bateau or other vessel, or raft, 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, bateau or other vessel or raft, 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 double costs of suit.

Canal declared free for certain dimensions of vessels, paying certain rates for wharfage.

The Rates.

XXIII. And be it further enacted by the authority aforesaid, that the said Canal, shall be free for all persons whomsoever, who are hereby authorised and empowered to navigate freely upon the same, with any Boat, Barge, or other vessel, and to use the said towing Paths for hauling and drawing Boats, Barges and other vessels, and also to use the said wharves for loading and unloading any goods, wares and merchandize, under such conditions and regulations, and upon payment of such rates and dues, as shall or may hereafter, be enacted by an Act of the Legislature of this Province of Lower-Canada, so soon as adequate information, touching the Premises shall be obtained from the Commissioners to be appointed, as aforesaid.

Nothing in this Act to prevent persons, through

XXIV. 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

whose land the Canal may pass, to make or use wharves upon their own lands, &c.

or owners of any lands or grounds through which the said Canal shall 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 encroach upon, obstruct or prejudice the navigation of the said Canal or the Towing Paths thereof; 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 and their heirs and assigns, so that the rates or dues to be granted for tonnage on the said Canal, shall not be thereby reduced or altered.

Commissioners empowered to take a part of the money for clearing the navigation of the shore of the St. Lawrence, practicable for boats ascending the River, to enable them to pass through the Canal, from the cross to the entrance of the Canal.

XXV. And be it further enacted by the authority aforesaid, that with a part of the monies by this Act appropriated, the said commissioners shall cause the navigation of the shore of the Saint Lawrence to be cleared and rendered easy and practicable for the navigation of boats, bateaux and small vessels ascending the river intended to pass into and through the said Canal, from the foot of the current, below Montreal, or place commonly called, *the Cross*, to the mouth or entrance of the said Canal, in the neighbourhood of Montreal.

Act 55 Geo. III. cap. 20, repealed.

XXVI. And be it further enacted by the authority aforesaid, that the above-mentioned Act, passed in the fifty fifth year of the Reign of His late Majesty, George the Third, intituled, "An Act to grant an aid to His Majesty, to assist in opening a Canal from the neighbourhood of Montreal to Lac Beauport, and further to provide for facilitating the same," shall be and the same is hereby repealed.

Fines to be sued for within three months.

XXVII. And be it further enacted by the authority aforesaid, that the fines, forfeitures and penalties which shall be at any time incurred under this Act, shall be sued for within three months next after the commission of the offence and not afterwards.

XXVIII.

Not to affect His Majesty's rights &c.

XXVIII. And be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend in any manner or way to affect the Rights of His Majesty, his Heirs and Successors, or of any person or persons, or of any Body corporate or politic, except in as far as the same are hereby affected.

Public Act.

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

Application of the money to be accounted for to the Crown.

XXX. 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 Lords Commissioners of His Majesty's Treasury, in such manner and form, as His Majesty, His Heirs and Successors shall direct.

Commissioners to cause the Canal to be made, as far as circumstances may permit, at the place and according to the plan drawn by the Engineer.

XXXI. And be it further enacted by the authority aforesaid, that in the intention of facilitating the execution of the plan which it might be useful to adopt in future, of continuing the said Canal as far as the place commonly called St. Mary's Current, it shall be the duty of the said Commissioners to cause the said Canal to be made, as far as circumstances will permit, at the place and according to the plan drawn by the Engineer employed by the said Company and by him deposited in the office of the Secretary of the Province.

Commissioners empowered to treat with the Company of Proprietors of the Lachine Canal, respecting the relinquishment of their rights.

XXXII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, so appointed under this Act, to treat with the said Company of Proprietors of the Lachine Canal, respecting the relinquishment of the rights of the said Company to make the said Canal, and also respecting the reimbursement of monies by them expended for the survey and levels, estimates and books of references, with the maps and plans of the said Canal which they have caused to be taken and made, as well as all other monies expended by the said Company for the purposes of the said Act, and towards the commencing and making the said Canal, which monies the said Commissioners may find to have been necessarily and usefully expended for the opening of the said Canal. Provided always, that no reimbursement shall be paid to the said Company in pursuance of any agreement before the same has been submitted to the Governor, Lieutenant-Governor or person administering the Government for the time being, and by him ratified and approved.

Proviso.—Reimbursement not to take effect, until approved by the Governor.

C A P.