

CHAP. XIX.

AN ACT to limit the period for owners of lands making claims for damages already occasioned by the construction of the Rideau Canal, and for other purposes therein mentioned.

[Passed 11th May, 1839.]

Preamble.

WHEREAS by an Act passed in the eighth year of the reign of His late Majesty King George the Fourth, entitled "An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned," certain provisions are therein made and contained, providing for compensation being made to the owners of lands for damages sustained by them in consequence of the said then intended Canal, Locks, Towing paths, Railways and other constructions and erections, being cut and constructed in and upon his, her or their respective lands: *And whereas* it is expedient to limit the time within which claims for damages sustained by the owners of lands in the manner aforesaid shall be made: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, '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 by the authority of the same, 'That from and after the first day of April, which will be in the year of our Lord one thousand eight hundred and forty-one, all and every the powers and provisions in the said recited Act contained, in relation to claims for damages already sustained as aforesaid, and the remedies therein contained shall, in so far as respects any such claims for damages as shall be advanced or brought forward after that period, cease and determine.

Claims for compensation under the Rideau Canal Act, 8 Geo. 4, c. 1, to be made before 1st April, 1841.

Claims made before 1st April, 1841, but then undetermined through default of Claimant, barred.

II. *And be it further enacted by the authority aforesaid,* That all such claims as shall have been made before the said first day of April, but which the Claimant or Claimants shall have neglected or refused to bring to determination in the ordinary way by the said Act required, shall be considered from thenceforward as barred, as fully and effectually as if such claims had not been made.

III. *And be it further enacted by the authority aforesaid,* That to the end and intent that all persons having or intending to prefer any such claims, as are contemplated and provided for in and by the said recited Act, may be fully apprised of the provisions of this present Act, it shall and may be lawful for the Lieutenant-Governor to issue Her Majesty's Royal Proclamation, requiring all persons having made any such claims, or intending to prefer any such claim, to prefer and prosecute the same in due course, on or before the time above limited and expressed, and that otherwise the party or parties having or intending to advance or make any such claim, will from and after the expiration of the time so limited and expressed, be forever afterwards barred and precluded from making or advancing such claim, or having any right or title to compensation in respect thereof under or by virtue of the provisions of the said recited Act.

Notice of provisions and effect of this Act to be given by Royal Proclamation.

IV. *And whereas* it is expedient to provide and enact, that persons appointed to collect and receive the rates and dues payable in respect of the said Canal, shall account for the same upon oath in the manner hereinafter provided: *Be it further enacted by the authority aforesaid;* That from and after the passing of this Act it shall be the duty of the person or persons now employed, or hereafter to be employed, to collect and receive the rates and dues payable in respect of the said Canal, once in three months, or oftener if required, to render a true and faithful account in writing of all such monies as he or they shall from time to time receive for or on account of Her Majesty in respect of such rates and dues, which account shall be rendered as aforesaid to the principal Officer employed by Her Majesty from time to time to superintend the said Canal, and shall be subscribed and sworn to by the person or persons rendering the same, which oaths may be administered by any Judge of the Court of King's Bench, or by the Judge of any District Court, or by any one Justice of the Peace in any District in this Province.

Collectors of rates, &c. upon the Rideau, to make quarterly returns, on oath;

To the Officer superintending the Canal.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons to whom an oath or affirmation may be administered under the provisions of this Act, shall wilfully swear or affirm falsely, such false swearing or affirmation shall be deemed wilful and corrupt perjury, and the person guilty thereof shall and may be prosecuted and punished as for wilful and corrupt perjury.

False swearing under this Act, perjury.