

Laws of His Majesty's Province of Upper Canada, passed in the year 1836. Toronto: Robert Stanton, 1836.

6 William IV – Chapter 16 (Session 1)

An Act to alter and amend an Act passed in the eighth year of His Majesty's reign, 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.*" Passed, 20th April, 1836.

Whereas doubts have arisen whether under the provisions of the Act passed in the eighth year of the reign of His late Majesty, chapter one, 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,*" it was intended to afford remuneration for the damages sustained by any person or persons in consequence of stone, earth, timber, wood, or other materials having been taken under the authority of the said Act for the construction of the said Canal, as well as the repairs thereof, and also whether damages sustained by reason of the constructing or keeping up the said Canal under the said Act, arising from injuries occasioned by the diversion of water from its natural course or channel, or from dams erected causing the water to rise and flow back on mill sites, mills, and other machinery, or from any other causes not mentioned: 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 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 if in the constructing, keeping up, supporting, or repairing the said Canal, any stone, earth, timber, wood or other materials shall have been or may hereafter be taken under the authority of the said recited Act, the owner or owners thereof, or of the land from which the same shall have been or may be so taken, shall be entitled to receive recompense for all damages sustained or to be sustained by him or them by means thereof, the same as with respect to any other damage done by the making, completing or repairing of the said navigation; and all such damages and the satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained, and determined by the same ways and means and in the same manner as are described, required, and provided for by the said Act, with respect to other damage done by the making, completing, or repairing of the said navigation.

II. And be it further enacted by the authority aforesaid, That if the owner or owners of any mill sites, or of mills or other works driven by water, shall have sustained or shall hereafter sustain any injury or damage by the making, completing, or repairing of the said navigation

by reason of any obstruction, or from the diversion from its natural course or channel of any water heretofore flowing to such mill sites or mills, or used to propel or carry on such mills, machinery, or other works, or by reason of the damming up of water, and causing it to rise and flow back upon such mill sites or mills or other works, then recompense shall be made to the owner or owners of such mill sites or mills, machinery, or other works, for all damages sustained or to be sustained by him or them by the means aforesaid, the same as in respect to any other damage done by the making, completing, or repairing of the said navigation; and all such damage, and the satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained and determined by the same ways and means and in the same manner as are described, required and provided for by the said Act, with respect to other damage done by the making, completing, or repairing of the said navigation.

III. And be it further enacted by the authority aforesaid, That persons who have already claimed, or who may after the passing of this Act claim compensation for damages done to their lands on the Rideau Canal shall not be debarred from receiving such compensation by reason of their having acquired the title after the commencement of the said works, under a purchase made before such commencement: Provided, that the persons so claiming compensation are the real owners of the property damaged, and have not acquired the same for the purpose of preferring such claim: And provided also, that when the former owner shall have either compromised or waived his claim, or have been satisfied therefor, the assignee shall not be entitled to compensation under this Act; and that in all cases of a sale of property made after the commencement of the works the compensation shall be made either to the former owner or to the assignee, as it may appear just to the arbitrators under the facts proved to them.