

of Canada, and it is hereby declared and enacted by the authority of the same, That nothing in the aforesaid section of the above in part recited Act shall be construed to prevent any person or persons from the full and free use of any navigable river, rivulet, stream or water-course, and the banks thereof on either side, in that part of this Province which formerly constituted Lower Canada, proper for the floating and conveyance of Wood or Timber, or for the general purposes of navigation, but that all such rivers, rivulets, streams and water-courses, and the banks thereof on either side, to such extent as may be necessary, and in accordance with the laws, usages and customs of that part of this Province which formerly constituted Lower Canada, shall be and remain free to the public, as fully and entirely, to all intents and purposes, as if the above recited clause of the aforesaid Act had never been passed, nor made part thereof: Provided always, that all persons so passing, or landing upon the banks of any such river, rivulet, stream or water-course, shall repair immediately thereafter the fences, drains or ditches which they shall have damaged, and be liable for all other damages resulting therefrom.

Rivers, Rivulets, &c. in L. C. made free to the public in a certain case.

Proviso.

CAP. CIII.

An Act to amend the Act to continue and amend the Ordinance concerning the erection of Parishes, Churches and Church-yards, in Lower Canada.

[ 30th August, 1851. ]

**W**HEREAS it is expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to continue and amend the Ordinance concerning the erection of Parishes, and the construction and repairing of Churches, Parsonage Houses, and Church-yards*, and the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the third Session of the said Council, held in the second year of Her Majesty's Reign, and intituled, *An Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage Houses, and Church-yards*, in the manner hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all sums which by the said Act and Ordinance the Trustees appointed or hereafter to be appointed under the said Act or Ordinance, are or shall be authorized to levy by assessment for the purposes of the said Act and Ordinance, shall hereafter be payable by the parties assessed under the said Act and Ordinance, in twelve equal instalments, instead of in the manner by the said Act and Ordinance provided.

Preamble.  
13 & 14 Vict. c. 44.

L. C. 2, Vict. c. 29.

Sums authorized to be levied by assessment made payable by instalments.

II. And be it enacted, That whenever a less sum than that payable by virtue of any such assessment for the construction of a Church in any Parish or Mission, or any other of the purposes of the said Act or Ordinance, shall be found sufficient for the construction of such Church or for such other purpose, it shall not be lawful for the said Trustees to call in any instalment remaining due after such sufficient sum shall have been paid in, unless any fraction of any such remaining instalment shall be required to complete the construction of such Church, or for such other purpose, when and in such case it shall be lawful for the said Trustees to call in the whole of such instalment, any fraction whereof may be so required; and the balance of such instalment so called in, after deducting therefrom such fraction or part as aforesaid, shall be paid over and applied as provided by the said Act or Ordinance.

No more instalments than are necessary to pay the expense for building a church, &c., shall be called in.

Exception:

III. And be it enacted, That the said Trustees shall render a true and faithful account, once in every year, of the expenditure of the moneys entrusted to them, and of the moneys and material due to them or in their hands, and of all their proceedings for

Trustees to render accounts yearly: and at what time.

for and in respect of the said moneys and materials; and the said account shall be so rendered on the first Sunday in December in every year, at a meeting of the inhabitant freeholders to be held in the Sacristy of the Parish or Mission, or in the Church if there be no Sacristy, or in the public Place if there be no Church nor Sacristy, immediately after High Mass on the said Sunday, notice having been given from the pulpit of the Church or Chapel in the Parish or Mission, by the *Curé*, or other person administering the said Parish or Mission, on the two previous Sundays or at any hour appointed, notice having been given in some public place of the Parish or Mission, if there be no Church nor Chapel, and the first meeting for the rendering of such accounts by the said Trustees under this Act, shall take place on the first Sunday in December next after the passing of this Act, and on the same day in every year thereafter, due notice as aforesaid being given on the two Sundays previous: Provided always, that when from any unavoidable accident, or other circumstance, any such meeting shall not be held on the said first Sunday in December, the same may take place on the second or on the third Sunday in the same month.

Proviso.

Agents to be appointed for compelling the Trustees to render such accounts, if they fail to render the same.

IV. And be it enacted, That if the said Trustees shall fail or neglect to render such accounts at such meeting on the said first, second or third Sundays in December next, or on either of the same days in any year thereafter, it shall be lawful for the inhabitant freeholders of the said Parish or Mission to assemble together at the said Sacristy, Church or Public Place as hereinbefore mentioned for the rendering of the accounts (at least eight day's notice of the time and place of such meeting having been given from the pulpit by the *Curé*, or person administering the said Parish or Mission, or if there be no Church nor Chapel, then in a Public Place, on a requisition being made to him for that purpose by any three inhabitant householders), for the purpose of electing from among themselves three Agents to demand the said accounts from the said Trustees, and sue for the rendering of the same before any Tribunal of competent jurisdiction, in case they shall be authorized so to do, at a meeting to be held as hereinafter provided.

Agents may sue for rendering accounts if authorized at a meeting at which they shall report their proceedings.

V. And be it enacted, That the Agents so appointed shall demand from the said Trustees the accounts which have not been rendered, and if the same be not rendered to their satisfaction within thirty days after being so demanded, the said Agents shall make a report accordingly at a meeting of the said inhabitant freeholders, to be called by the said Agents and held as aforesaid, by a notice under their Hand, published and posted at the Church door, or other public place of the Parish or Mission, at least eight days previous to such meeting; and if upon the report of the said Agents, the majority of the persons present at such meeting shall decide that the said Agents shall sue for the rendering of the said accounts by the said Trustees, the said Agents shall, and they are hereby authorized to sue by their name of office, and without otherwise naming them or any of them, for the rendering of the said accounts by the said Trustees, and the costs of such action shall be advanced out of the funds of the *Fabrique* of the said Parish or Mission; in the event of the said Agents failing to obtain a judgment in their favor, with or without costs, then the Agents shall pay the said costs out of the funds in their Hands, and if they have no funds, they shall levy the said costs by an assessment on the Parish or Mission, which assessment shall be made, advertised, deposited, presented and homologated in the same manner as other assessments which they are already entitled to make, but the assessment herein mentioned shall be levied in one single payment; and no such action shall abate or be discontinued by the decease of any of the Agents or their going out of office, but shall be continued by the other or others, with or without any new Agent or Agents, or a meeting may be called and a new Agent or Agents elected in manner aforesaid, but the action shall not thereby be discontinued or abated, but shall proceed as if no change had taken place in the persons being the Agents; Provided always, that any Court before which any such action shall be brought shall be authorized, if it shall deem it equitable, to condemn the said Trustees personally to pay the costs in their capacity as Trustees.

Proviso.

VI. And be it enacted, That the names of the said three Agents so chosen shall be borne upon the Registers of the said Parish or Mission, and an extract therefrom duly certified by the *Curé* or officiating *Curé* or first Churchwarden in office, of the *Fabrique* of the said Parish or Mission, shall be *prima facie* evidence in all Courts of Justice, of the election and appointment of such Agents, and of their authority to sue for the rendering of the said accounts.

What shall be *prima facie* evidence of appointment of agents.

VII. And be it enacted, That the name under which the said Agents shall bring any such action, shall be "the Agents of the Parish (*or* Mission) of (*name of Parish or Mission.*)"

Name in which they shall sue.

VIII. And be it enacted, That if any person whosoever shall fail or neglect to perform any of the duties required of him by this Act, or shall directly or indirectly obstruct the performance of the said duties, he shall be liable to a penalty not exceeding Five Pounds, currency, recoverable before any Justice of the Peace of the District.

Penalty for obstructing execution of this Act.

IX. And be it enacted, That so much of the Act and of the Ordinance above mentioned as shall be repugnant to the provisions of this Act, shall be and is hereby repealed.

Repeal of inconsistent enactments.

### CAP. CIV.

An Act to amend the Act for the encouragement of Agriculture in Lower Canada.

[30th August, 1851.]

**W**HEREAS for the greater advantage of Agriculture in Lower Canada, it is expedient to amend the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein:* Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall be lawful for each Agricultural Society, whether of a District or of a County or division of County, to fix such time during the course of any year for holding their Public Shows, as such Society shall deem best for the advancement of Agriculture; any thing in the sixteenth section of the said Act to the contrary notwithstanding.

Preamble.

8 Vict. c. 53.

Each Society may fix the time for holding its shows.

II. And be it enacted, That the Act above cited, as amended by this Act, and by any other Act of the Legislature, shall remain in force until the first day of January next, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Duration.

### CAP. CV.

An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein, to afford relief to certain persons who where in practice as Physicians and Surgeons in this Province at the time when the said Act became Law.

[ 30th August, 1851. ]

**W**HEREAS it is expedient to amend an Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, *An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein,* to afford relief to the persons hereinafter named, who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law, and who have been omitted to be included among the

Preamble.

10 & 11 V. c. —

Members