

C A P. C I I I .

An Act to amend an Ordinance of Lower Canada for the Relief of certain Religious Societies.

[Assented to 1st July, 1856.]

Preamble.

Act of L. C.,
2 V. c. 26.

WHEREAS by an Ordinance of the Legislature of Lower Canada, passed in the second year of Her Majesty's Reign, chapter twenty-six, Congregations or Societies of Christians, of any denomination whatsoever, in Lower Canada, are enabled to hold ground, for the purposes and under the limitations therein specified, by the instrumentality of a Trustee or Trustees, to whom and to whose successors, (to be appointed in the manner set forth in the Deed of Grant, Concession or Conveyance) the lands necessary for such purposes may be conveyed; And whereas lands have been conveyed to Trustees on behalf of such Congregations or Societies in Lower Canada under the said Ordinance without the manner of appointing successors to such Trustees being set forth in the Deeds of Grant, Concession or Conveyance of such lands, as required by the said Ordinance, and it is expedient to provide a remedy for such omission: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Meeting for settling the manner of continuing the succession of Trustees, where the Trust Deed does not provide for the same

I. It shall be lawful for any Congregation or Society of Christians of any denomination, on whose behalf lands in Lower Canada are now held under the said Ordinance by a Trustee or Trustees without the manner of appointing successors being set forth in the Deed of Grant, Concession or Conveyance of such lands, at any time within one year after the passing of this Act to assemble in a public meeting, duly convened by notice in writing signed by at least five members of such Congregation or Society, and affixed to the door of their Church or place of Worship, and at such meeting, by the votes of a majority of the adult male members of such Congregation or Society, then and there present, to determine and declare in what manner the successors to such Trustee or Trustees shall be appointed.

Record of the proceedings to be made, and how.

II. A record of the proceedings of the meeting shall be made out in writing and signed by the Chairman and Secretary thereof, and shall thereafter be deposited of record among the archives of the Congregation or Society, and a copy of such record, certified to be a true copy by such Chairman or Secretary, on oath before a Justice of the Peace, shall be deposited, by *acte de dépôt*, in the usual manner, in the office of a Public Notary, whose copies thereof shall thenceforth be *prima facie* evidence of the contents thereof.

III. Such determination shall in every such case have the same effect as a clause in the Deed of Grant, Concession or Conveyance of the lands to which it relates setting forth the manner of appointing Successors to the Trustee or Trustees therein named would have, and no more. Effect of the decision at such meeting.

C A P. C I V .

An Act to authorize the improvement of Water-courses.

[Assented to 1st July, 1856.]

WHEREAS the improvement of Water-courses would be a source of great prosperity to the Country: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

I. Every proprietor of land is hereby authorized to improve any water-course bordering upon, running along or passing across his property, and to turn the same to account by the construction of mills, manufactories, works and machinery of all description, and for this purpose to erect and construct in and about such Water-course, all the works necessary for its efficient working, such as flood gates, canals, embankments, dams, dykes, and the like. Proprietors of lands may turn water courses adjoining them, to account, &c.

II. The proprietors or lessees of any such works shall be liable for all damages resulting therefrom to any person whomsoever, whether by the too great elevation of the flood gates or otherwise. But shall be liable for all damages.

III. Such damages shall be ascertained by *Experts* to be appointed by the parties interested, in the ordinary manner; and in default of one of the said parties to appoint such *Experts*, one of the *Experts* of the municipality, to be selected by the Warden, shall act. In case of difference of opinion, the two *Experts* appointed as aforesaid, shall choose a third. The *Experts* shall be sworn before a Justice of the Peace well and duly to perform their duty in the said capacity. In assessing the damages and fixing the compensation to be paid, the *Experts*, if the case shall require it, may set off against the whole or any part of such damages, the increased value which the property of the claimants may have acquired by reason of the erection of such works, mills, manufactories or machinery. Such damages to be ascertained by *Experts* in case of dispute. Proviso: as to estimates of such damages.

IV. In default of payment of the damages and indemnity so awarded within six months from the date of the report of the *Experts*, together with legal interest to be computed from the said date, the party by whom the payment is due shall be bound to demolish the works which he shall have erected, or they shall be so demolished at his costs and charges, upon judgment to that Demolition of works if damages are not duly paid.