

The Provincial Statutes of Canada, passed in the year 1843. Kingston: Stewart Derbishire & George Desbarats, 1843.

7 Victoria – Chapter 57

An Act to amend the Act Incorporating the Tay Navigation Company. 9th December, 1843.

Whereas, by reason of the great delays which have occurred in obtaining the awards of Arbitrators in cases of disagreement between the Tay Navigation Company and the parties to whom the said Company is bound to make compensation for damages occasioned by their operations under the Act hereinafter mentioned, it is expedient to amend the said Act by repealing so much thereof as requires such arbitration before such damages can be assessed by a Jury; 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, 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 so much of the fifteenth, sixteenth, seventeenth, and twenty-sixth sections, or of any other part of the Act of the Legislature of the late Province of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate certain persons therein mentioned, under the style and title of the Tay Navigation Company*, as makes it necessary that an award of Arbitrators should be made, before the compensation to be paid to any party for property, taken or damage done by the said Company in carrying into effect the powers granted them by the said Act, can be assessed by a Jury in the manner therein provided, shall be and so much of the said Act is hereby repealed; and from and after the passing of this Act, if any party shall be entitled to or claim compensation from the said Company for any such damages as aforesaid, it shall be lawful for such party or for the said Company, without any previous award of arbitrators, to serve a notice on the other party in the manner provided by the seventeenth section of the said Act, as either party might have done without this Act, if such award had been first obtained; and after such notice all other proceedings shall be had, and the compensation shall be assessed by a Jury, in the manner by the said Act provided, and with the same effect to all intents and purposes whatsoever: Provided always, that the expense of causing such compensation to be assessed as aforesaid, shall be paid by the said Company, unless, before the service of the notice above mentioned, they shall have tendered as such compensation, a sum equal to or greater than that assessed by the Jury; anything in the said Act to the contrary notwithstanding.