

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 12

An Act to make more effectual provision for enforcing the Legal Rights of the Crown in regard to Public Works in Lower Canada. 10th November, 1852.

Whereas it is expedient to make more effectual provision for enforcing the Rights of the Crown in regard to Public Works in Lower Canada: 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 whenever an action is brought on behalf of the Crown, to recover possession of any Pier, Road, Bridge, Building or other Public Work constructed by or at the expense of the Government of this Province, and situate in Lower Canada, it shall be lawful for the Court before which such action is brought or any one of the Judges thereof, to order the Sheriff of the District to put such person or persons as may be named for that purpose by the Attorney General, Solicitor General, or other Officer prosecuting such action and moving or petitioning for such order, in possession of the Public Work designated in such action or in regard of which such action is brought, together with its appurtenances; such Public Work and appurtenances to be held by such person or persons as the guardian (*gardien*) or guardians thereof during the pendency of such action.

II. And be it enacted, That every such order may be moved or petitioned for and made, at any time after the service of the Writ of Summons in the action, either before or after the return thereof, and either in Term or in Vacation, and shall be granted upon affidavit shewing to the satisfaction of the Court or Judge, that the Public Work in question belongs to Her Majesty, and is unjustly or illegally detained by the Defendant.

III. And be it enacted, That it shall be the duty of the Sheriff upon receipt of any such Order, to put the person or persons therein appointed as such guardian or guardians, in possession of the Public Work therein designated, and to adopt all lawful means for that purpose.