

*Laws of Her Majesty's Province of United Canada*, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 84

**An Act to amend the Joint Stock Company Rivers Improvement Act, and to extend it to Lower Canada. Assented to 18th May, 1855.**

Whereas it is expedient to amend and to extend to Lower Canada the provisions of the Act 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, as follows:

- I. The provisions of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies, to construct works necessary to facilitate the transmission of Timber down the Rivers and Streams in Upper Canada*, shall be and are hereby extended to Lower Canada, as fully and completely as if the same had been originally made to extend to Lower Canada, save and except only the twentieth section of the said Act, and except also in so far as the Act is hereby amended.
- II. Notwithstanding any thing in the third section of the Act hereinbefore named, it shall not be necessary to obtain a Bylaw of any Municipal Council approving of the works, but they shall not be commenced until after the expiration of thirty days from the laying of the Report or Reports therein mentioned before the Municipal Council or Councils even although the approval of the Commissioner of Public Works may have been signified in writing before the expiration of that period.
- III. Notwithstanding any thing in the nineteenth section of the said Act contained, when any Company formed under the said Act shall require any slide, boom or other work intended to facilitate the passage of timber down any water, already constructed by any party other than a Company formed under any Statute of this Province, it shall be lawful for the owner of such work, or (if constructed on the property of the Crown,) the person at whose cost the same shall have been constructed, to claim a compensation for the value of such works, either in money or in stock of such Company at the option of the said owner or the person at whose cost the same shall have been constructed; and all the provisions of the sixteenth section of the said Act shall apply to such work, and the proprietors or possessors thereof, in the same manner and to the same extent as to lands required for such Company and to the proprietors and occupiers thereof.
- IV. In every case where any lands or works in Lower Canada shall be acquired or purchased, or taken possession of under the provisions of the said Act or of this Act, and when the Company

purchasing or taking possession of such lands or works, shall have cause to believe that the occupier or person in possession of such lands or works is not the legal owner thereof, or that such lands or works are already mortgaged or hypothecated, such Company shall not pay the amount of such purchase money or of such award to the occupier thereof, but shall have the right to deposit in the hands of the Prothonotary of the District in which such lands or works shall be situate, the purchase money of such land or works, or the amount awarded therefor by arbitrators as provided by the said Act, together with their deed of purchase or award, as the case may be, and shall and may proceed to obtain a ratification by the Superior Court sitting in such District, of such deed of purchase or award, in the same manner as is now practised for the ratification of title deeds, and the real proprietor of such land or works, and all others having claims in or upon the same may intervene in such proceeding and claim and obtain the purchase money or amount awarded for such lands or works, or their due share thereof, and such Court is hereby authorized to grant such ratification, and upon such ratification such Company shall become and be the legal and indefeasible proprietor of such land or works, free and clear of all claims, charges and incumbrances whatsoever, and the money so deposited shall stand in lieu of such land or work, and it shall be lawful for such Court to make such order as may seem meet for the protection of the parties entitled to the same, in case of substitution or where minors or interdicted parties are interested.

V. The proportionate rate of Toll upon Saw Logs in the twenty-fourth clause of the said first recited Act, shall be one twelfth instead of one eighth.

VI. Whenever any Company formed under the provisions of the said Act or of this Act, shall purchase or take possession of any work already commenced or completed, as provided by the nineteenth section of the said Act, and shall not make or construct any other work than that so acquired, it shall not be requisite for such Company to observe the formalities prescribed by the third section of the said Act, excepting only that, such Company shall furnish the Chief Commissioner of Public Works with the Report and Copy of Report in the said sections mentioned.

VII. The word "Township," wherever it occurs in the said Act, shall be construed to mean "Township or Parish," and all powers by the said Act conferred upon Judges of County Courts in Upper Canada, are hereby vested in the Judges of the Circuit Court for Lower Canada.

VIII. And this Act shall be a Public Act.