

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 104

An Act to authorize the improvement of Watercourses. 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:

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.

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.

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.

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 effect rendered, the whole without prejudice to the damages and interest already incurred.

V. This Act shall apply to Lower Canada only.