

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

20 Victoria – Chapter 24

An Act to amend the Act of Incorporation of the L'Assomption River and Railway Company. Assented to 16th May, 1856.

Whereas it is expedient to amend and extend the Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and ninety-one, intituled, *An Act to incorporate the L'Assomption River and Railway Company*, so as to enable the said Company to erect dams and locks on the said River, for the purpose of raising the water to a sufficient height or Steamboat navigation up to the first rapids on the Laquarreau River in the Parish of St. Paul: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- I. The said Company is hereby authorized and empowered to construct a dam at the mouth of the L'Assomption River, at or near the upper end of the Island known as Deschamp's Island, in the Parish of Repentigny, with a lock and canal for boats and lumber to pass through; provided such dam shall not raise the waters more than eight feet six inches above low water, and that the said lock shall not be less than one hundred and fifty feet long and thirty-three feet wide, and shall not have less than four feet and a half of water on the sills at low water, nor shall the said canal be less than thirty-three feet wide, nor have less depth of water than that in the lock; And further, provided always, that should the said Company not find it practicable to erect such dam more than four feet six inches high, at the above named place, they shall have the right and privilege of erecting another dam four feet high from low water, above the Village of L'Assomption, at some convenient place, with a lock and canal of the same dimensions as before stated.
- II. The said Company shall be bound at all times to leave a free outlet for the passage of wood and timber of every description which shall descend the said River, and for that purpose shall construct any slide which may be necessary to receive the said timber and enable it to pass without obstruction and free of toll.
- III. Provided always, that the said Company shall be liable for all damages which the construction of any such dam may cause to the lands, bridges, mills and properties of any individual whomsoever, and also for any other damage whatever resulting from such construction, which damages shall be ascertained and fixed by three arbitrators, one to be appointed by the Company, one by the party claiming compensation and the third by the two said Arbitrators so appointed by the said Company and party claiming compensation: Provided always that if either the Company or party so claiming compensation shall refuse or neglect to appoint an Arbitrator within one month after notice to that effect, then it shall be lawful for any Judge of the Superior or Circuit Court for Lower Canada to select an Arbitrator on behalf of the party so neglecting or refusing, and the two so then appointed shall select a third; and if the two Arbitrators appointed as aforesaid, either by the parties, or by one of them and by a Judge on behalf of the other, cannot agree as to

the appointment of a third Arbitrator, it shall be lawful for any Judge of the Superior or Circuit Court for Lower Canada, on the Petition of either of the said Arbitrators and after due notice to the other, to appoint such third Arbitrator, and the decision of a majority of the three Arbitrators shall be final, subject, nevertheless, to the jurisdiction of the Courts of Law.

IV. This Act shall be deemed a Public Act.