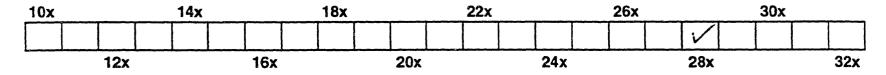
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No. 70.

2nd Session, 6th Parliament, 22 Victoria, 1859.

BILL.

An Act to enable owners of Water-Courses in Lower Canada to utilise the same, and to remove all restrictions upon the use thereof.

Received and read, first time, Wednesday, 23rd February, 1859.

Second reading, Thursday, 24th Feby., 1859.

THE HON. MR. LEMIEUX.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

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No. 70.]

An Act to authorize the Proprietors of Water-Courses in Lower Canada to utilise the same, and to remove all restrictions upon the use thereof.

BILL.

WHEREAS it is expedient to encourage industry, commerce, and Preamble. tions with respect to the use which the owners of water-courses in the Seigniories in Lower Canada have a right to make of such watercourses, and also with respect to the right of erecting mills for grinding all kinds of grain ; Therefore Her Majesty, &c., declares and enacts as follows :

I. All owners of water-courses in the Seigniories of Lower Canada may Owners of turn them to such use as they deem most advantageous, provided they water-courses cause no damage to their neighbours or to the public, and may erect may build intercon mills of any description they think proper, for the grinding of any kind. grain of any kind ; and it shall be lawful for all censituires, or other perions, to have their grain ground at such mills, with the consent of the owner thereof, without being liable to be troubled by any Seignior or Seigniors, under pretext of any right of banalite, or of any exclusive ight to or in the use of such water-courses by him reserved or stipulated, which shall be absolutely abolished from and after the passing of his Act: Provided always, that every Seignior shall have his recourse Proviso: as to for the rente representing his right of banalité, or other exclusive right rights of as aforesaid, as provided by the Seigniorial Act of 1854 and the Acts under the amending it, when the schedule of his Seigniory is fyled, and the other Seigniorial requirements of the said Acts are complied with; and arrears of the said Acts. tente shall be payable to him from the passing of this Act.

II. All owners of water-courses who, before the passing of this Act, Act to extend have built mills thereon, shall have the benefit of this Act in like manner to mills already built. as if the same had been built after its passing, saving the recourse of any Seignior or person for any damages sustained by him before its passing, and recoverable by him under the then existing law.

III. All damages occasioned by the inundation of any property by As to damages the erection of mill-dams, and all other damages occasioned by the erec- to property by tion of mills, except those founded on any alleged right of banalité, or exclusive right of the Seignior to or in any water-course, (which rights are hereby abolished,) shall be settled and recovered in accordance with the laws now in force in Lower Canada.

W. This Act shall apply to the Crown Seigniories and Seigniories be- To what longing to the Province, or forming part of the Jesuits' Estates, and to Seigniories all other Seigniories to which the said Seigniorial Act of 1854, and the apply. Act amending it apply : but not to private Seigniories especially excepted from the operation of the said Act, or to those held by the Seminary of St. Sulpice.

dams.