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No. 75.

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.

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.

WHEREAS it is expedient to encourage industry, commerce, and Agriculture, and with that view to remove all doubts and restrictions with respect to the use which the owners of water-courses in the Seigniories in Lower Canada have a right to make of such water-courses, 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: Preamble.

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

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

III. All damages occasioned by the inundation of any property by the erection of mill-dams, and all other damages occasioned by the erection of mills, except those founded on any alleged right of *banalité*, or exclusive right of the Seigneur 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. As to damages to property by dams.

IV. This Act shall apply to the Crown Seigniories and Seigniories belonging to the Province, or forming part of the Jesuits' Estates, and to all other Seigniories to which the said Seigniorial Act of 1854, and the 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. To what Seigniories this Act shall apply.