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An Act to authorize the improvement of Water-courses.

WHEREAS the improvement of Water-courses would be a source of great prosperity to the Country ; Therefore Her Majesty, &c., enacts as follows :

Preamble.

I. Every proprietor of land adjacent to any water course who shall obtain the authority hereinafter provided for, may improve the streams or water-courses bordering upon, being adjacent to or passing across his property, and to turn the same to account by the construction of mills, manufactories, and machinery of all description, and for this purpose to erect and construct in and about such water courses, all the works necessary for their efficient working, such as flood-gates, canals, embankments, dams, dykes, and the like.

Any proprietor adjacent to a water-course may improve the same.

II. The proprietors or lessees of any such establishment shall be liable for all damages resulting therefrom to any person whomsoever, whether by the too great elevation of the flood gates or otherwise.

But subject to all claims for damage done.

III. Any person who shall be desirous of forming an establishment of the nature of those referred to in the first section shall present a petition to that effect containing the reasons and allegations in support thereof, to the Municipal Council of the County in which such establishment is proposed to be formed, and the said Council, having considered the said petition, shall order it to be referred to the County Superintendent.

Proceedings to be taken.

IV. It shall be the duty of the County Superintendent to examine as to the fitness of the locality and to take into consideration the interests of the proprietors adjacent to the water-course, and in order to obtain full information upon these points, and to enable the parties interested to prepare their claims, he shall cause public notice to be given and make a visit of inspection to the localities.

Duty of the County Superintendent.

V. The Superintendent shall make a Report to the Municipal Council with respect to any effects which might be produced by the proposed establishment, as regards the action of the water, he shall fix the height up to which the waters may be retained, and regulate the manner in which the said establishment shall be erected and also the extent and dimensions of the flood-gates, canals, embankments, dams, dykes, &c. ; he shall also determine the manner in which those residing on the banks of the water-course opposite one to the other or above or below the said establishment shall make use of the waters, either exclusively, conjointly or alternately and he shall make a plan of the whole, which he shall append to his report.

Report of the Superintendent.

VI. The Council shall fix the damages referred to by section 2, which shall be ascertained upon the requisition of the injured parties by the

How damages are to be determined.

Superintendent, assisted by two of the Municipal *experts* of the County, one of whom shall be chosen by the petitioner and the other by the parties injured, and in case of their failing to appoint such *experts* then by the Superintendent; the whole matter shall be contained in the report of the Superintendent; in assessing the damages and fixing the compensation, the superintendent and the *experts*, if the case shall require it, may award compensation either in whole or in part, and also the amount of the increased value which the property of the claimants might have acquired by reason of the erection of the said mills, manufactories and machinery.

Action of the Council upon the Report.

VII. And the Council shall upon receipt of such report draw up and prepare an order authorising such establishment, either wholly or in part, in conformity with such report or without any reference whatever thereto, and basing such authority upon other information or knowledge which it may have otherwise obtained.

In case of non-payment of damages.

VIII. In default of payment of the damages and indemnity so awarded within fifteen days after the publication of the final order of the Council, 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, the whole without prejudice to the damages and interest already incurred.

Proceedings of the Councils and County Superintendents.

IX. In all the matters and proceedings hereinbefore referred to with respect to the notices, publications, visits of inspection, *expertises*, considerations of reports, and in the cases in which there shall be parties in two County Municipalities interested in the matter, the Municipal Councils and the County Superintendents shall observe as far as possible the delays and formalities required by the Municipal Act, when the matter is to be determined by the delegates of any County, resolutions passed by them shall have the same effect as those of the Municipal Councils.

As to establishments now existing.

X. The regulations hereinbefore prescribed shall apply to all claims which may be made with respect to any establishments heretofore existing.

Rights of Government saved.

XI. Neither this Act nor the authorities given by the Municipal Councils shall have the effect of preventing the Government from making any provisions they may deem expedient for the advantage of navigation, commerce or industry upon or about the rivers and water-courses upon which such establishments shall be situated, and no indemnity or damages shall hereafter be claimed in any case or upon any pretext by the proprietors of the said establishments.

Application.

XII. This Act shall apply to Lower Canada only.