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LOCAL BILL.,

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to alter, amend and extend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to alter and amend an Act passed in the eighth year of His Majesty's Reign, intituled, 'An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's direction, for connecting Lake Ontario with the River Ottawa, and for other purposes therein mentioned.'*"

Received and read a first time, Friday, 4th March, 1853.

Second reading, Monday, 7th March, 1853.

MR. CRAWFORD.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to alter, amend and extend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, “ *An Act to alter and amend an Act passed in the eighth year of His Majesty’s Reign, intituled An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and using the Canal intended to be completed under His Majesty’s direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.* ”

WHEREAS the second clause of a certain Act passed in Upper Canada in the sixth year of the Reign of King William the Fourth, chapter sixteen, intituled, “ *An Act to alter and amend an Act passed in the eighth year of His Majesty’s Reign, intituled, ‘ An Act to confer upon His Majesty certain powers and authorities, necessary to the making, maintaining and using the Canal intended to be completed under His Majesty’s direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.’ ”* provided, “ That if the owner or owners of any mill sites, or of mills or other works driven by water, shall have sustained or shall hereafter sustain any injury or damage by the making, completing or repairing of the said navigation by reason of any obstruction, or from the diversion from its natural course or channel of any water heretofore flowing to such mill sites or mills, or used to propel or carry on such mills, machinery or other works, or by reason of the damming up of water and causing it to rise and flow back upon such mill sites or mills or other works, then recompense shall be made to the owner or owners of such mill sites or mills, machinery or other works, for all damages sustained or to be sustained by him or them by the means aforesaid, the same as in respect to any other damage done by the making, completing or repairing of the said navigation;” And whereas it has been found necessary from time to time for the repair of the works of, and the proper working of the said Canal, to let off the water penned and held back by the dams erected in the construction of the said Canal,

Preamble.

Act of U. C.
6 W. 4, c. 16,
recited in part

and the owners of certain mill sites, mills and lands situated on rivers and streams running out of the said Canal, have and are likely hereafter to sustain damage by means thereof; And whereas the above recited statute was intended to cover all such damages although by a strict construction they may not come within the letter thereof: Be it therefore enacted, &c.,

Compensation to be made for damages sustained or to be sustained from certain operations.

That if the owner or owners of any lands, mill sites, mills, machinery, or other works driven by water shall have sustained or shall hereafter sustain any injury or damage by reason of the letting off through any of the dams, sluice-gates, or waste weirs on the said Canal, the waters penned or held back for the proper navigation thereof, then recompense shall be made to the owner or owners of such lands, mill sites, mills, machinery, or other works, for all damages sustained or to be sustained by him, her, or them, by the means aforesaid, the same as in respect to any other damage done by the making, completing or repairing of the said navigation; and all such damage and the satisfaction and recompense in respect thereof, shall be settled, adjusted, ascertained and determined by the same ways and means and in the same manner as are described, required, and provided for by the said Act passed in the eighth year of the Reign of His said Majesty King George the Fourth.

Certain parties not debarred from obtaining compensation under the said Act.

Proviso.

Proviso.

II. And be it further enacted, That persons who have already claimed or who may after the passing of this Act claim compensation for damages done to their lands on the Rideau Canal, shall not be debarred from receiving such compensation by reason of their having acquired the title after the commencement of the said works under a purchase made before such commencement: Provided, that the persons so claiming compensation are the real owners of the property damaged, and have not acquired the same for the purpose of preferring such claim: And provided also, that when the former owner shall have either compromised or waived his claim, or have been satisfied therefor, the assignee shall not be entitled to compensation under this Act; and that in all cases of a sale of property made after the commencement of the works, the compensation shall be made either to the former owner or to the assignee, as it may appear just to the arbitrators, under the facts proved to them.