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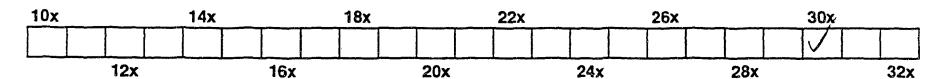
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

## BILL.

An Act to provide for the Improvement of the River du Chêne in the County of Two Mountains.

Received and Read a first time, Thursday, 1st February, 1849.

Second Reading, Thursday, 8th February, 1849.

Mr. Scott, (Two Mountains.)

PRINTED BY LOVELL AND GIBSON.

4M.

## BILL.

An Act to provide for the improvement of the River du Chêne, in the County of Two Mountains.

THEREAS the inhabitants of the Presentle. parishes of St. Eustache, St. Augus- Recital. tin, St. Benoit, and St. Scholastique, in the County of Two Mountains, holding lands on 5 the banks and in the neighborhood of the River du Chêne, in the said County, suffer considerable damage in their meadows and the cultivation of their lands, which they find it impossible properly to work, by reason 10 of the overflowing of the waters of the said river, which on account of its shallowness and numerous sinuosities, is not sufficient for the large quantity of water received from the great number of drains and streams dischar-15 ging themselves into it during its course; And whereas the only remedy for those evils is to remove all obstructions from the said river, to deepen and widen its bed in the rapids thereof and other places, and more 20 especially to straighten its course by a canal to be cut in a more direct line, and more sufficient for the easy flowing of its waters, provided such Canal be not considered by the Commissioners-hereinafter mentioned, to 25 be too expensive, and do not in their opinion interfere too much with the division of property, to the injury of the proprietors thereof; And whereas a considerable number of the inhabitants of the above mentioned parishes, 30 interested in the said works have, by their petition, represented the hardships under which they labor, and also that the costs and expenses already incurred, and the attempts made by them in order to attain so desirable 35 an object have been useless, as being on too

limited a scale, in consequence of the insufficiency of the laws now in force to provide for an improvement of such importance, and have prayed that a law be passed to enable them to proceed with the said works; and it 5 is expedient to grant the prayer of the said petition: Be it therefore enacted, &c. &c.

Ten proprietors interested may call a meeting, and the proprietors meeting may elect Commissioners for deepening the River, &c.

And it is hereby enacted by the authority of the same, That at any time within months from the date of the passing of this 10 presentations Act, on a requisition signed by at least ten proprietors of lands in the parishes above mentioned, interested in the said canal or water course, such requisition being published and posted up in both languages at the church 15 doors of the said parishes after morning service, on two consecutive Sundays, the inhabitants of the said parishes interested in the said Works, that is to say: the proprietors of lands in shall 20 meet on the day and at the place mentioned in the said requisition, (with power to any ten of them to adjourn or to call another meeting in case at least fifty proprietors be not assembled to elect Commissioners as herein- 25 after provided,) and a majority of proprietors present at such meeting or at any adjourned or subsequent meeting, shall elect from among themselves twelve Commissioners, whose duty it shall be to proceed with the 30 works mentioned in the Preamble to this Act, in the manner hereinafter mentioned, and who for the purposes of this Act are hereby authorized to sue and be sued under the name of "The Commissioners of the River 35 du Chêne Canal," without otherwise naming them or any of them.

Commissioners to elect a President and Secretary.

II. And be it enacted, That the said Commissioners shall elect from among themselves a President, and shall also appoint 40 from among themselves or the other interested parties, a Secretary-Treasurer, who shall be paid a reasonable salary at the discretion of the Commissioners, and shall

give good and sufficient security to the satisfaction of the majority of said Commissioners; and any writ, process or notice that may require to be served upon the said Commis-5 sioners shall be served upon the Secretary Treasurer of the said Commissioners, and such service thereof shall be deemed good and valid in law: And seven of the said Quorum of Commissioners shall form a quorum, and Commissioners entry exercise all the research 10 may exercise all the powers of the said Commissioners, and may in case of any vacancy among the said Commissioners appoint another or others in their stead from among the proprietors interested as 15 aforesaid; but the non-filling up of any such vacancy shall not in any way invalidate or affect any proceeding by or against the said Commissioners.

III. And be it enacted, That the said Survey and 20 Commissioners shall cause the said River plan to be du Chêne to be explored by a sworn Surveyor from its mouth at River Jesus or Mille Isles, in the Parish of St. Eustache, to its source, together with its tributaries and 25 the streams which discharge themselves into it in its course through the North and South Concessions of the Petite Rivière de la Grande Fresnière, the Parish of St. Eustache, north and south of the Petit Brule, the Parishes of 30 St. Augustin, St. Benoit, St. Joachim, and on the north and south side of la Belle Rivière, in the Parish of St. Scholastique, and shall cause a plan to be made of the works necessary for the straightening and deepening 35 of the said river, together with an estimate of the probable cost of the said undertaking.

IV. And be it enacted, That the said Work to be Commissioners shall give notice in the given out by French and English languages during at contract 40 least three weeks, in two newspapers published in the District of Montreal, of the time and place at which they will be ready to give out the said works in part or in whole, and they are hereby authorized to

Parties interested may be required to give work.

contract for the performance of the said works with the contractors and workmen whose tender shall to them seem most advantageous for the interests of the parties concerned in the said undertaking; and the said 5 Commissioners are hereby authorised to require the said interested parties to furnish such assistance in labour as they shail deem necessary for the purpose of conducting the undertaking with as great economy as pos-10 sible, making such labour part of the charge placed upon such parties respectively by the Repartition.

Estimate to be made; and parties to be ussessed.

V. And be it enacted, That the said Commissioners shall make an exact estimate of 15 all the expenses to be incurred in the construction of the said works, and of the work to be done by the parties entrusted as aforesaid, and shall assess the interested parties for the payment of the same and assign 20 them respectively portions of the said work; according to the advantages to be derived by each one, and the obligations under which he may lie with regard to the other proprietors interested, according to the situation 25 of his property, and the laws and customs in force in this country, and not merely according to the value of the properties assessed: the whole in such a manner as to the said Commissioners shall most equitable; and the said Commissioners or a quorum thereof shall make a a Repartition and proces verbal accordingly, which shall bind all the parties mentioned therein or their ayant cause respectively 35 proprietors of the same lands, upon which the sums assessed upon them and the value of the work allotted to them in respect of such lands, (such value being mentioned in the Repartition and proces verbal) shall be a 40 charge bearing hypothec, dating from the time of registration of the Repartition and proces verbal, which after being confirmed as hereinafter provided shall not be controvertible or liable to be set aside or question- 45

ed in any Court of law or elsewhere.

Repart tion and proces rerbal to be made.

Assessment. &c. to be a charge upon the lands assessed; effect of the Repartition.

VI. And be it enacted, That after the Commissionsaid estimate of the expenses, and the assess- parties deemment or repartition and proces verbal shall ing themselves have been made by the Commissioners, they aggrieved. 5 shall give notice by an advertisement in both languages, to be posted up and published at the Church doors of the said Parishes, after morning service during two consecutive Sundays, of the time and place at which they 10 will hear the claims of such parties as shall consider themselves aggrieved by the said assessment or repartition.

VII. And in order that all parties inter- Repartition, ested in the performance of the said works &c. to lie for a certain time 15 may take cognizance of the assessment or re- open for inpartition and proces verbal aforesaid, a copy spection. thereof signed by the President, Secretary and Treasurer of the said Commissioners, shall be deposited in some public of-20 fice to be designated in the said Notices, and whereat all or any of the interested parties may take free communication thereof, and make such observations thereon or oppositions thereto, as they may think fit 25 and reasonable.

VIII. And be it enacted, That the Com- commissionmissioners shall give their final decision with amend and respect to the said assessment or repartition confirm the and proces verbal within a period of not less &c. 30 than fifteen days from the last publication thereof, and shall then confirm the same with such alterations (if any) as they may think proper to make thereto.

IX. And be it enacted, That the said as-Repartition, 35 sessment or repartition and proces verbal, see to be dewhen finally confirmed as aforesaid, shall be Notary; deposited by the said Commissioners, or a quorum of them, in the hands of some Notary in one of the said Parishes, who may 40 deliver authentic copies thereof to all parties interested; and shall be registered at full And registerlength in the Registry Office of the County. ed.

osited with a

How the payment of monies and the performance of work may be enforced.

X. And be it enacted, That every person who shall be assessed in and by the said assessment or repartition and proces verbal, as finally amended and confirmed by the Commissioners, shall pay into the hands of the 5 Treasurer of the said Commissioners within the delays by them therein prescribed, the amount for which he shall be assessed, and in default thereof such payment may be recovered before any Court having jurisdiction 10 in civil cases to the amount, and he shall perform the work by them assigned to him at the times appointed by the assessment, or repartition and proces verbal aforesaid, or in default the value of such work, as therein fix- 15 ed, may be recovered from him as aforesaid.

Commissionregulations as to the said River, &c.

Proviso ; when the powers of the Commissioners shall cease. The River to come then under the local authorities, &c.

XI. And be it enacted, That the said ers may make Commissioners are hereby authorized to make such rules and regulations as they shall deem necessary for the preservation and 20 keeping in order of the said canal, and from time to time to alter and amend the same; and such rules and regulations and amendments or repeal thereof shall be deposited with some Notary in one of the said parishes: 25 Provided always, that as soon as the said intended works shall be completed and paid for, the powers and authority hereby granted to the said Commissioners shall cease and determine; and the said River and canal shall 30 thereafter be and remain under the direction of the local authorities established for the making of ditches and water courses in the country parts of this Province, saving always, that the said works shall always continue to 35 be kept up and repaired according to the rules and regulations then last made by the said Commissioners, an authentic copy whereof shall be deposited in the office of the Municipal Council of the County, and any copy 40 thereof certified by the Clerk or Officer having the custody of such authentic copy shall be deemed authentic and received in evidence accordingly, and for any certified copy thereof, the said clerk or officer shall be paid at 45

the rate of six-pence currency per hundred words.

XII. And be it enacted, That as soon as the Account to be said canal shall be completed, the said Com-the Commis-5 missioners shall render a true and faithful sioners and to account of the monies levied by them, and of whom. the application thereof, before a Committee of twelve members to be chosen from among the interested parties, at a General Meeting 10 to be called in the manner provided for the calling of the first above mentioned meeting; And the said Committee shall have authority to bring any action en reddition de compte or for any matter relative to the administra-15 tion of the said Commissioners under the name of " The Committee for auditing the Accounts of the Commissioners of the River du Chêne Canal."

XIII. And be it enacted, That all papers Deposit of pa-20 relative to the rendering of the above men-pers, plans, tioned accounts, plans, estimate, assessment and other documents which shall have been in the possession of the Commissioners, and more especially the rules and regulations 25 made for the keeping in repair of the said canal shall be deposited by them in the office of the Municipal Council of the County of Two Mountains for the use of all persons interested in the said work.

30 XIV. And be it enacted, That the works When the above mentioned, for the construction of the works must be completed. said canal shall be completed within six years from the publication of the Act, otherwise the persons so interested as aforesaid 35 shall not be entitled to any of the advantages granted by this Act.

XV. And be it enacted, That this Act Public Act. shall be a public Act, and judicially noticed accordingly.