

No. 95.

4th Session, 8th Parliament, 29th Vict., 1865.

BILL.

An Act to amend Chapter Fifty-one of the Consolidated Statutes for Lower Canada respecting the improvement of Water-courses.

[No. 140 of 1865—1st Session.]

Mr. FERRAULT.

QUEBEC:
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An Act to amend chapter fifty-one of the Consolidated Statutes for Lower Canada respecting the improvement of Water-courses.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

New Sections
for Sections 2
and 3 of Cap.
51 of Con.
Stat. of L. C.

1. The second and third sections of chapter fifty-one of the Consolidated Statutes for Lower Canada are hereby repealed, and the following substituted therefor:

“2. The proprietors or lessees of any such work shall be liable for all damages resulting therefrom, whether by the too great elevation of the flood-gates or otherwise.

“2. Any person suffering such damages may sue for the amount thereof before any competent court, and such damages may be ascertained by witnesses or by *experts*, if the parties consent thereto, the whole in the ordinary manner; and in case the party condemned to pay the damages and costs shall fail so to do, he shall demolish the works within two months; nevertheless, such damages may also be ascertained in the manner hereinafter provided.”

3. Such damages may also be ascertained by *experts*, to be appointed by the parties interested, in the ordinary manner; and in default of either of the said parties to appoint such *experts*, one of the *experts* of the municipality, to be selected by the warden, shall act; in case of difference of opinion, the two *experts* appointed shall choose a third. The *experts* shall be sworn before a Justice of the Peace, faithfully to perform their duty as such. In assessing the damages and fixing the compensation to be paid, the *experts*, if the case requires it, may set off against the whole or any part of such damages, any increased value which the property of the claimant has acquired by reason of the erection of such works, mills, manufactories or machinery.”