

or such Chief Commissioner, by a By-law of such Council, or an instrument under the hand of such Chief Commissioner, as the case may be, to alter or vary the said schedule of tolls, so as to make them correspond with the true meaning of this Act; and such Amended schedule to be in force for the next year. amended schedule of tolls shall be notified to the President of such Company, and shall by him be published as aforesaid, and shall be the lawful tolls for that year. 5

Company may recover the lawful tolls on any Timber. VII. And be it enacted, That every such Company shall have authority to demand and receive the lawful toll upon all timber which shall have come through or over any of the works of such Company; and it shall be lawful for such Company, by its servants, to have free access to all such timber for the purpose of measuring or counting the same; and if the just tolls shall not be paid on demand, such Company shall have power to sue for the same in any Court of competent jurisdiction, and shall recover from the owner or owners of the timber the amount of the tolls and the costs of suit; Provided always, that if the owner or owners of the timber shall object to the amount of tolls demanded, and shall tender a sum which he or they claim to be the true and just amount of the toll, such Company shall pay the costs of the suit, unless the judgment obtained shall be for a greater amount than the sum so tendered; Provided also, that if any timber shall not have come through or over the whole of the works of any such Company, but only through or over a part thereof, the owner or owners of such timber shall only be liable to pay tolls for such sections of the whole works as he or they shall have made use of, if in the schedule of tolls the work is divided into sections, and if not, then to pay such a proportion of the whole toll as the distance such timber has come bears to the whole distance. 10 15 20 25

Proviso.

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Company not to improve waters already navigable. Case of the erection of any Dam by the Company provided for. VIII. And be it enacted, That nothing herein contained shall extend to authorize any Company formed under this Act to obstruct any waters already navigable, or to collect any tolls other than those upon timber. And if by reason of any dam erected by a Company formed under this Act, any fall or water power shall be created, such Company shall in no wise have any title or claim to the use of such water power; nevertheless, if the owner or occupier of the land adjoining shall have made any claim for compensation for damages arising from such dam, the arbitrators may lawfully take into account the increased value of the property by reason of the water power so created. 30 35 40

Legislature may make additions to this Act. IX. And be it enacted, That notwithstanding the privileges which may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make such additions to this Act, or such alterations of any of its provisions as they may think pro-