

No. 139

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

**An Act incorporating the Carouge Pier,
Wharf and Dock Company.**

Received and read a first time, Thursday, 30th
September, 1852.

Second reading, Wednesday, 6th Oct., 1852.

Mr. TESSIER.

QUEBEC:

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BILL.

An Act incorporating "*The Carouge Pier, Wharf and Dock Company.*"

WHEREAS the Carouge Pier and Wharf Company, a Joint Stock Company, formed and incorporated according to the provisions of the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled "*An Act to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges, and of other works of like nature,*" and consisting of Arthur Ritchie, John Egan, James Bell Forsyth, Michael Stevenson, Malcolm Cameron, and others, have petitioned the Legislature to have their powers extended, so as to enable them to construct Dry and Wet Docks at Cap Rouge aforesaid, and to be incorporated for the purposes of this Act; Be it therefore enacted, &c.,

Preamble.

That the said Arthur Ritchie, John Egan, James Bell Forsyth, Michael Stevenson, Malcolm Cameron, together with all such persons as at the time of the passing of this Act are Stockholders of the said Carouge Pier and Wharf Company, and all such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, and by the name of "*The Carouge Pier, Wharf and Dock Company,*" and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting or being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure, and also that they and their successors, by the same name of "*The Carouge Pier, Wharf and Dock Company,*" shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise disposing thereof, for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Directors of the said Company shall have full power and authority to explore the country lying between the north-east boundary lines of the property at Carouge, aforesaid, belonging to Alexander Simpson, Esquire, and the south-west boundary lines of the property of Arthur Ritchie, Esquire, and for the distance of two miles in direct line in depth from the high water mark of the River St. Lawrence northwards, within the said lines and prolongations thereof, and

Empowered to explore country and hold real property.

to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, so much land, whether covered with water or not, as may be requisite to construct and complete the said Dry and Wet Docks, with the necessary locks, basons, paths, roads, floodgates, wharves, piers and other appendages, and also to select such convenient sites for such, and so many houses, warehouses and other erections as may be required by the said Company for the purposes thereof, and to purchase the same to and for the use of the said Company: Provided always that nothing herein contained shall extend or be construed to extend to compel the owner or owners of any mill-seat to sell, convey or otherwise depart with the same to the said Company.

Proviso.

Empowered to provide for the construction &c., of Docks.

III. And be it enacted, That it shall and may be lawful for the said Company incorporated by this Act, and they are hereby authorized and empowered from and after the passing of this Act, to supply the said Docks, or one or other of them, whilst making and when made, with water from all such brocks, springs, streams, water courses, hollows, lakes, or other repositories of water as shall be found in making the said Dock or Docks, or within the distance of (except as hereinbefore mentioned) from any part of the said Dock or Docks, or from any reservoir or reservoirs to be made for supplying the said Dock or Docks with water; and the said Company are also hereby authorized and empowered by themselves and their deputies, agents, servants and workmen to make one or more reservoir or reservoirs, and such or so many feeders, tunnels and aqueducts for the supplying the said reservoirs and Docks with water, and conveying water from any such reservoir or reservoirs to the said Dock or Docks as to them shall seem necessary and proper, (excepting as above mentioned) and for the purposes aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter in and upon the lands, beaches and grounds of or belonging to the Queen's Majesty, Her heirs or successors, or to any other person or persons, bodies politic or corporate, (excepting as hereinbefore provided,) and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making and constructing the said Dock or Docks, and such reservoir or reservoirs, feeders, tunnels and aqueducts, and all such other matters and conveniences as they shall think proper and necessary for making, effecting, constructing, preserving, improving, completing and using the said Dock or Docks, as also the approaches by which the same is or are intended to be entered from the Rivers St. Lawrence and Cap Rouge, and also to bore, dig, cut, trench, remove, take, carry away and lay earth, soil, clay, stone, rubbish, trees, roots of trees, beds of gravel or sand, or any other thing or things which may be dug or got in the making and constructing of the said Dock or Docks, or in making any reservoir or reservoirs, feeders or aqueducts, or out of any lands or grounds of any person or persons adjoining or lying contiguous thereto, and which may be proper, requisite or convenient for carrying on, continuing, or repairing the said Dock or Docks, and the approaches thereto, or other the said works, or which may hinder, prevent or obstruct the making, constructing, completing, using or maintaining the same; and also to make, build, erect and set

up in and upon the said Dock or Docks, or upon the lands adjoining or near to the same, such or so many bridges, tunnels, aqueducts, sluices, locks, weirs, pens for water, tanks, reservoirs, drains, floodgates, piers, wharves, quays, landing places and other works, ways, roads and conveniencies as the said Company shall think requisite and convenient for the purposes of the said Dock or Docks, and also from time to time to alter, repair, amend, widen and enlarge the same or any other of the conveniencies above mentioned, as well for the floating of ships, vessels and other craft to and from the said Dock or Docks, as for the carrying and conveying goods, commodities, timber and other things to and from the same, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of and belonging to the said Dock or Docks, and the approaches thereto, as for the repairing of any shipping or craft which may resort to the said Dock or Docks, and also place, lay, work and manufacture the said materials on the grounds near to the place or places where the said works, or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several locks, bridges, floodgates, works and erections belonging thereto, and also to make, maintain, repair and alter any fences or passages over, under or through the said Dock or Docks, or the reservoirs and tunnels, aqueducts, passages, gutters, water courses, floodgates and sluices, respectively, which shall communicate therewith, and also to make, set up, and appoint towing boats, steamboats, barges or other vessels for the use of the said Dock or Docks as they the said Company shall think convenient, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks for making, using, maintaining and repairing the said Dock or Docks, and the paths, roads, ways, wharves, passages and communications on the sides thereof: and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Dock or Docks, in pursuance and within the true intent and meaning of this Act; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements, or hereditaments.

IV. And be it enacted, That it shall and may be lawful for the said Company in constructing, making and completing the said Dock or Docks to acquire, take and hold for that purpose so much of the bed of the River Cap Rouge whether covered with water or not, and of the other lands comprised within the limits aforesaid, as the Directors of the said Company may deem requisite, as also to take and appropriate for the use of the said Dock or Docks as well before as after their completion the whole or so much of the waters of the said River Cap Rouge as may be found necessary for the maintaining or using of the said Dock or Docks; and it shall be lawful for the said Company to erect at the mouth of the said River Cap Rouge, where the same enters the River St. Lawrence, and on both banks of the said River Cap Rouge within the limits aforesaid, as also on the beach and beaches in front thereof, such and so many wharves, quays, piers, forebays, locks, floodgates and other erections as

Empowered
to acquire bed
of Cap Rouge
river.

Proviso as to
occupiers of
Mills &c.

may be necessary for the use of the said Company, and the purposes of the said Dock or Docks, and the communications to and therewith: Provided always, that all proprietors or occupiers for the time being, of mills or lands situated above the said Dock or Docks, or other works connected therewith, to whom the said River Cap Rouge affords means of communication, shall after the said Dock or Docks may have been completed, have the right as well for themselves, their servants, vessels, barges, boats or other water conveyances, to pass and repass free of expense into and through the said Dock and Docks, and the canals, locks, or other communications to and from the same, with all such goods, merchandize, timber, firewood, lumber, or other moveable property or materials of every description, which *bonâ fide* belong to them, or are being conveyed or transported for their use, as also to make fast to the piers, wharves, or other works connected with such Dock or Docks, for such reasonable time as may be requisite to enable them to convey and transport the same.

Certain parties and bodies corporate empowered to sell real estate to Company.

V. And be it enacted, That after any lands or grounds shall be set out and ascertained to be necessary for constructing and completing the said Dock or Docks, and other purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, communities, corporations, aggregate or sole guardians, and all other trustees whomsoever, not only for and on behalf of themselves, their heirs, and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, idiots, married women or other person or persons who are or shall be possessed of or interested in any lands or grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid, and that all such contracts, agreements, and sales, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute or usage to the contrary thereof in any wise notwithstanding, and the price and value thereof shall be established in the manner hereinafter mentioned, for the determination of the value of lands or other tenements to be purchased by the said Company, and of the amount of damages committed thereby.

Directors may contract with owners of land.

VI. And be it enacted, That the Directors of the said Company shall be, and the same are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any land through and upon which they may determine to cut and construct the said intended Dock or Docks, with all necessary and convenient locks, paths, wharves, ways, roads, communications, and other erections and constructions contemplated by this Act to be cut, erected, constructed and built, either for the absolute purchase of so much of the said land as they shall require for the purposes of the said Company, or for the damages which he, she or they shall or may be entitled to recover from the said Company, in consequence of the said intended Dock or Docks, locks, paths, wharves, ways, roads, communications, and other erections and constructions being cut and constructed in or upon his, her or their respective lands.

VII. And as, in certain cases, it may be doubtful to whom the compensation, ascertained by the award of a Jury empanelled for that purpose, or in any other lawful manner, to be payable by the said Company for any land or real property taken, or damage done to any party in the exercise of the powers vested in them by this Act, shall be paid :
 5 Be it enacted, That it shall be lawful for the said Company, in all such cases of doubtful title, to cause the amount of such compensation to be lodged in the hands of the Prothonotary of the Court having superior original Civil Jurisdiction in the District of Quebec, to await the distribution of the said Court to the party, or among the parties, lawfully
 10 entitled to such compensation, or any part thereof, and thereupon immediately to enter upon and take possession of the premises for which such compensation shall have been so awarded.

When title thereto doubtful, compensation to be lodged in the hands of Prothonotary.

VIII. Provided always, and be it enacted, That any body politic, community, corporation, or other person or persons whomsoever, who
 15 cannot, in common course of law, sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for constructing and
 20 completing the said Dry and Wet Docks, and other the purposes and conveniences relating thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed
 25 upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor of any land shall agree to leave in the hands of the said Company, the said Dock and Docks, and the rates and duties to be levied and collected in respect thereof, shall be and are hereby made liable and
 30 chargeable in preference to all other claims or demands thereon whatsoever, the deed creating such charge or liability being duly registered.

Corporation or party not empowered to sell may lease real estate to Company.

IX. And be it enacted, That the said Company before acquiring any land for the purposes of this Act, (except in the case provided for in the eighth Section of this Act,) shall pay to the proprietor or proprietors
 35 thereof the just and reasonable value of such land, and they shall make reasonable satisfaction to each and every person, body politic or corporate, who shall have suffered damage by reason of anything done by them under the powers and authorities vested in them by this Act, and if the party entitled to such value or compensation shall not be satisfied with
 40 the sum offered by the Directors of the said Company, the same shall be decided by a Jury, to be empanelled and sworn for that purpose at any sitting of the Superior Court for Lower Canada, sitting at Quebec, in term or in vacation, at the suit of the party entitled to such value, or sustaining such damage; and if the amount of value, or of the damages
 45 awarded by the verdict of such Jury, shall exceed the amount of value or compensation offered, the said Company shall pay the costs of suit, which shall otherwise be paid by the party who shall have brought the same: and in the case of annual rent in lieu of a principal sum, as provided for in the eighth Section of this Act, the amount thereof, when the
 50 same shall not have been fixed by private agreement or compromise,

Before acquiring land Company to pay cost and damages to proprietor.

shall be determined by a Jury in like manner, and the same consequences as to costs shall result if the said Company shall have offered to pay any specific amount of annual rent to the opposite party previous to the institution of the suit.

If parties are dissatisfied with value for land, experts to be appointed.

X. And to prevent delay in the making, constructing and completing 5 the said Dry and Wet Docks mentioned in this Act; Be it enacted, That in case any party entitled to receive value or compensation for land required for the purposes of this Act, shall not be satisfied with, or shall refuse to receive the sum or sums of money offered therefor by the Directors of the said Company, it shall be lawful for the said Directors 10 to appoint an appraiser or *expert*, and to require the party dissatisfied to appoint another appraiser or *expert*, and to give notice to the said Directors, or to the Secretary of the said Company, in writing, of such appointment, and the two appraisers or *experts* so appointed, shall estimate and report to the said Directors the value or compensation to be paid to 15 the said dissatisfied party; and in case of disagreement between the said appraisers or *experts*, or in case the party dissatisfied shall refuse or neglect to appoint an appraiser or *expert* within twenty-four hours after written notice from the said Directors or the said Secretary shall have been left at the domicile, or at the usual place of business, of the said 20 dissatisfied party, or in case the appraiser or *expert* of the said dissatisfied party shall refuse or neglect to act within three days after such appointment shall have been notified to him, any one of the Justices of Her Majesty's Superior Court for Lower Canada, sitting at Quebec, as well in vacation as in term, upon the summary petition of the Directors 25 of the said Company, and proof, upon the oath of one credible witness, of either of the refusals or neglects aforesaid, shall have power forthwith to appoint an appraiser or *expert* to act on behalf of the said dissatisfied party; and the appraisers or *experts* appointed as aforesaid, shall estimate the value or compensation to be paid by the Company, and shall report 30 the same to them in writing; and in case of disagreement between the appraisers or *experts*, they, the said appraisers or *experts*, shall appoint an umpire; or, if they cannot agree upon the appointment of an umpire, one of the Justices aforesaid shall, without loss of time, on the summary petition of the said appraisers or *experts*, or of the Directors of the said 35 Company, appoint an umpire, and the report of any two of the said appraisers or *experts* and umpire shall have equal effect as if the same had been or were made by the two appraisers or *experts* concurrently; and upon the amount of such estimated and reported value or compensation being duly tendered by the Directors of the said Company to the 40 dissatisfied party, either personally, or at his domicile, or at his usual place of business, it shall be lawful for the said Company, whether such tender be refused or accepted, immediately to enter into and upon the land required for the purposes of the said Dock or Docks and their appendages, the value or compensation whereof shall have been tendered 45 as aforesaid, without waiting for the empannelling, swearing in, and decision of a Jury, as is required by the ninth Section of this Act, any thing in this Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to prevent any proprietor of land required for the purposes of the said Dock or Docks, or their 50 appendages, the value or compensation whereof shall have been estimated:

Proviso.

and tendered as aforesaid, or to prevent the Directors of the said Company, if they, the said Directors, shall be dissatisfied with the estimated and reported value, from requiring the empannelling, swearing in, and decision of a Jury, for the purposes and in the manner specified in the said ninth Section of this Act, saving always the right of the said Company to enter into and use the land from and after the time of such tender as aforesaid.

XI. And to the end that the said Company may be enabled to carry on so useful an undertaking, Be it enacted, That it shall and may be lawful for the said Company of proprietors and their successors to raise and contribute among themselves, in such proportions as to them may seem meet and convenient, a competent sum of money for constructing and completing the said Dry and Wet Docks, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Dock and Docks and other works: Provided always that the sums so raised shall not exceed in the Corporation empowered to raise money.
Proviso as to amount.
 whole, including therein the Capital sum of £11,000 already subscribed by the Shareholders of the said *Carouge Pier and Wharf Company*.

XII. And be it enacted, That the said sum of or such part thereof as shall have been or shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a Subscriber or Subscribers to the said Piers, Wharves, and Docks, and other works, shall be divided and distinguished into equal parts or shares,
 at a price not exceeding five pounds per share, and that the shares shall be deemed personal estate, and shall be transferrable as such: and that the said share shall be and are hereby
 vested in the said several Subscribers and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them have already or shall hereafter subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons their several and respective successors, executors, curators, administrators and assigns who have already severally subscribed and paid, or shall hereafter severally subscribe or pay the sum of five pounds currency, or such sum or sums as have been or shall be demanded in lieu thereof towards carrying on and completing the said Piers, Wharves and Docks, shall be entitled to and receive, after the said Dock or Docks shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised; recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate, or community, person or persons having such property of one
thousandth part or share
 in the said undertaking, and so on in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

XIII. And be it enacted, That the said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or Corporation empowered to

raise money by Loan. sums of money, not exceeding at any one time the sum of £ currency, as they may find expedient, and at such rate of interest, not exceeding per cent. per annum, as they may think proper, and may make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable at such place or places, within or without the Province, as they may deem advisable; and may hypothecate or pledge the lands, tolls, revenues and other property of the said Company for the due payment of the said sums and the interest thereon. 5

Forms of debentures of the said Company. XIV. And be it enacted, That in borrowing monies by way of loan, and in creating mortgages and hypothecs for securing the same, the Debentures of the said Company therefor shall and may be in the forms contained in the schedules number one and two respectively annexed to this Act, and the registration at full length of a debenture in the form of the schedule number one in the Registry Office for the County, in which the land or real estate, or any portion of the land or real estate of the Company thereby specially mortgaged and hypothecated shall lie, shall perfect the mortgage or hypothec created by such debenture, and the debenture and mortgage or hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, any law or usage to the contrary notwithstanding: Provided always, that no debenture of the said Company shall be for a less sum than one hundred pounds currency. 15 20

Debentures how duly cancelled. XV. And be it enacted, That if after the registration in a County Registry Office of a debenture of the said Company creating a mortgage or hypothec, such debenture shall be presented at the Registry Office at which it was registered, with the word "cancelled," and the signature of the President or other duly authorized Director of the said Company, or of the Secretary of the said Company written across its face, the Registrar or his deputy on receiving the usual fee in that behalf, and on proof of the cancellation by the oath of one credible witness (which oath the Registrar or his deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof, and his signature, and thereupon the cancelled debenture shall be filed and remain of record in the said Registry Office: Provided always, that if any such cancelled debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which the greater part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or Registrars, or his or their deputies, having first endorsed thereon a certificate of the entry by him or them made of the cancellation thereof. 25 30 35 40

Promissory. Notes made and endorsed by President binding on Company. XVI. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, and any Promissory Note made or endorsed by the President of the Company, and countersigned by the Secretary, and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the Company, and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company, and countersigned by 45

the Secretary as such, either before or after the passing of this Act, shall be held to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn, and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or the Secretary of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any note payable to bearer, or any Promissory Note intended to be circulated as money or as the notes of a Bank.

XVII. And be it enacted, That the said Company shall, at their general meeting held after any one or other of the said Dock or Docks shall be finished, ascertain and fix the rates and dues to be taken by virtue of this Act, as also to alter and fix the rates and dues to be taken by the said Company, in respect of their business carried on as a Pier and Wharf Company; and it shall and may be lawful for the Directors of the said Company to alter all and every the said rates at any subsequent meeting after giving three months public notice of the same, and that a schedule of rates shall be affixed on the entrance and entrances of the said Dock or Docks, and at the office of the Company (if any) in the vicinity of the same: Provided also, that no such tariff of rates or dues or any alterations of the same shall have any force or effect until the same shall have been approved and confirmed by His Excellency the Governor General in Council.

Company to fix rates and tolls.

Proviso.

XVIII. And be it enacted, That the said several dues shall be paid to such person or persons, at such place or places near to the said Dock or Docks, in such manner and under such regulations as the said Directors shall direct or appoint, and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having Jurisdiction thereof, or the person or persons to whom the said dues ought to be paid, may, and he is, and they are hereby empowered, to seize and detain such boat, vessel, barge or other craft, raft of timber, deals or other lumber, goods, commodities or other articles for and in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof.

How dues to be paid and recovered.

XIX. And whereas it may hereafter happen from floods or from some unexpected accident that wears, flood-gates, dams, tanks, reservoirs, trenches or other works connected with the said Dock and Docks may be damaged or destroyed, and the adjacent lands or the property thereon thereby damaged, and that it may be necessary that the same should be immediately repaired or rebuilt to prevent further damages; Be it enacted, That when, and so often, as any such case may happen, it shall be lawful for the said Company, from time to time, or for their, or any of their servants, agents or workmen, without any delay from any person or persons whomsoever, to enter into any lands, grounds or hereditaments adjoining or near to the said intended Dock or Docks, reservoirs, or trenches, or other works aforesaid or any of them, (not being an orchard,

In case of damages by flood &c.; certain powers to Company.

To recom-
pense owners
of lands en-
tered upon.

garden or yard,) and to dig for, work, get and carry away or use all such stones, gravel and other materials as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever with the owner or owners, occupier or occupiers of, or other person or persons interested in such lands, grounds or hereditaments or any of them, doing 5 as little damage thereby as the nature of the case will admit of, and making recompense for such damages to the owners and occupiers of, or other persons interested in such lands, grounds, property or hereditaments within the space of six calendar months after the same shall have been demanded, for all damages which shall or may be done by means 10 of such accident, and of the digging for, getting, working, taking, carrying away and using such stones, gravel and materials or any of them, which damages and satisfaction and recompense in respect thereof shall be settled, adjusted, ascertained and determined by the ways and means hereinbefore described with respect to other damages done by the making 15 and completing the said Dock or Docks.

12 Vic. cap. 12
56 applicable
to Company.

XX. And be it enacted, That the provisions of the said Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, intituled, "*An Act to authorize the formation of Joint-Stock Companies in Lower Canada, for the construction of macadamized roads 20 and of bridges and other works of like nature,*" shall be applicable to the said Company incorporated by this Act, in all matters and things not inconsistent with the provisions of this Act.

No Share-
holder indivi-
dually liable.

XXI. And be it enacted, That no Shareholder in the said Company of proprietors, shall be in any manner whatsoever liable for or charged 25 with the payment of any debt or demand due by the said Company beyond the extent of his, her or their share in the Capital Stock of the said Company not paid up, provided always, that the said Company shall not deal or carry on any kind of trade or commerce whatsoever, otherwise than is *bona fide* necessarily connected with and arising out 30 of the purposes and objects contemplated by the original Association, formed under the name of the Carouge Pier and Wharf Company, and those authorized and contemplated by this Act.

Company to
complete one
Dock within
years.

XXII. And be it enacted, That the said Company of proprietors to entitle themselves to the benefits and advantages to them granted by 35 this Act, shall and are hereby required to make and complete one or more of the said Dry and Wet Docks within years from the passing of this Act, and if the same shall not be so made and completed within the said period, so as to be capable to be used by the public, then this Act and every other matter and thing therein contained, shall cease 40 and be utterly null and void, as far as the same respects the constructing, repairing and maintaining such Dry and Wet Docks.

Application
for compensa-
tion for dama-
ges &c., when
to be made.

XXIII. And be it enacted, That application to the proper Court for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar 45 months next, after the time of such supposed damage sustained, or in case there shall be a continuation of damage then within six calendar months next after the doing or committing such damage shall cease, and

not afterwards, and the defendant or defendants shall and may plead the general issue, and give this Act, and the special matter in evidence at any trial to be had thereupon and may aver that the same was done in pursuance and by the authority of this Act.

5 XXIV. And be it enacted, That the Directors of the said Company shall have power from time to time to make such orders and regulations as they shall see fit respecting vessels, timber and other property coming into or going out of and whilst remaining in such Dock or Docks, as well as regards berths or otherwise; and shall also have power to appoint
 10 such person or persons as they may deem necessary to carry into effect such orders and regulations; Provided always that such orders or regulations shall not be in force until the same shall have been approved by His Excellency the Governor-General in Council.

Directors to make regulations &c., respecting vessels &c.,
 Proviso,

15 XXV. And be it enacted, That the stock, property, affairs and concerns of the said Company incorporated by this Act, shall be managed and conducted in the same manner as has already been provided by the Articles of Association of the Carouge Pier and Wharf Company, and by the By-laws and regulations passed, made and adopted by the said last mentioned Company, and in force at the time of the passing of this Act;
 20 and the present Directors of the said Carouge Pier and Wharf Company shall continue and remain to be, and shall be Directors of the said Company incorporated by this Act, until duly replaced or re-elected under the terms of the said Articles of Association, By-laws, Orders and Regulations, unless it be otherwise provided by any By-law, Order or Regulation to be passed, made or adopted by the said Company incorporated by
 25 this Act.

How affairs &c., of Company to be conducted.

30 XXVI. And be it enacted, That the stock and property, real and personal, and other the rights of the said Company, now and heretofore subsisting under the name of the Carouge Pier and Wharf Company, shall, from and after the passing of this Act, vest in and be transferred to the said Company incorporated by this Act, and thereupon the said last mentioned Company and their successors shall be liable for all the debts of the said Carouge Pier and Wharf Company, and shall be bound to fulfil all and every the contracts and obligations entered into by the
 35 said last mentioned Company previous to the passing of this Act.

Property of Carouge Pier and Wharf Company vested in Company incorporated by this Act.

40 XXVII. And be it enacted, That nothing in this Act contained shall operate, or be construed to operate, as a dissolution of the said Corporation heretofore existing under the name of the Carouge Pier and Wharf Company, but the said Corporation, and the Shareholders of the said
 45 Company, and their successors, shall remain and continue to form and constitute, together with such other persons as shall become Subscribers to the additional stock to be created under the provisions of this Act, and their successors, a body politic, incorporated as well for the purposes for which the said Joint Stock Company, called the Carouge Pier and Wharf Company, was originally formed, as for the purposes of this present Act, under the name of "*the Carouge Pier, Wharf and Dock Company,*" which shall be one and the same Corporation with the said incorporated Joint Stock Company heretofore existing, as aforesaid, under the name of the

Carouge Pier and Wharf Company not dissolved by this Act.

Proviso.

Carouge Pier and Wharf Company: Provided always, that in the event of the said Company incorporated by this Act not carrying into execution the powers hereby conferred upon them with respect to Dry and Wet Docks within the period prescribed by this Act, the said Company shall still subsist and continue to be incorporated as a Pier and Wharf Company, under their new name of "*the Carouge Pier, Wharf and Dock Company*," and shall possess all their other powers, authorities and privileges conferred upon and belonging to them as a Pier and Wharf Company. 5

XXVIII. And whereas the advantages to be derived to this Province by the construction and maintenance of Dry and Wet Docks at or near Carouge aforesaid, have already attracted the attention of Her Majesty's Government, and have caused certain reserves and conditions to be made in the Lettres Patent granting beaches and deep water lots to the said Carouge Pier and Wharf Company, and to individuals now represented by them, in order to secure to the Crown the power of resuming the same for the purpose of constructing such Docks or similar works at the public expence, and whereas the said Carouge Pier and Wharf Company, in the contemplation of being enabled to construct such Docks by the means of private enterprize at a less expence than the same could be done by the Government, and of obtaining Legislative authority so to do, have induced her Majesty's Government to grant to them permission to use and occupy a considerable portion of the said beaches originally reserved for the public, and whereas the provisions of this Act have in order to encourage so useful an undertaking granted to the said Company incorporated by this Act, further powers and authority militating in some respects from the conditions of the said grants, and it is necessary as well to guard the interests of the public as to protect the just rights of those who have already or may hereafter vest their property in the promotion of the undertaking contemplated by this Act; Be it enacted, That after the making and completing of the said Dock or Docks it shall and may be lawful for Her Majesty, Her heirs and successors to assume the possession and property of the same and of all and every the works and dependencies thereon belonging, or, in anywise appertaining by paying to the said Company, their heirs, executors, administrators, curators and assigns the full amount of their respective shares, or of the sums furnished and advanced by each Subscriber towards the making and completing of the said Dock and Docks, together with such further sum as will amount to per centum upon the monies so advanced and paid, as a full indemnification to such Company, and the said Dock and Docks shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty Her heirs and successors who shall from thence forth be substituted in the place and stead of the said Company, their successors and assigns for all and every the purposes of this Act so far as respects the said Dock and Docks, not including any property already, or to be hereafter acquired by the said Company as a Pier and Wharf Company, or for purposes other than the construction and maintenance of Dry and Wet Docks and their appendages. 15 20 25 30 35 40 45

Power to Her Majesty to assume possession of property of Company.

Public Act.

XXIX. And be it enacted, That this Act shall be a Public Act.

SCHEDULE No. 1.

Referred to in this Act.

CAROUGE PIER WHARF AND DOCK COMPANY LOAN.

No.

£

Currency.

This Debenture witnesseth that "*The Carouge Pier, Wharf and Dock Company,*" under the authority of the Provincial Statute passed in the year of Her Majesty's Reign, and intitled, *(here insert title of this Act)* having received from of the sum of currency, as a loan, to bear interest from the date hereof, at the rate of per centum, per annum, payable half yearly on the day of and on the day of which sum of currency, the said Company bind and oblige themselves to pay on the to the said or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid, on the production of the *Coupon* therefor, which now forms part of this Debenture.

And for the due payment of the said sum of money and interest, the said Company under the power given to them by the said statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say : *(Describe the property mortgaged.)*

In testimony whereof, President of the said Company, hath hereto set and affixed his signature, and the Common Seal of the said Company, at the City of this day of one thousand eight hundred and

President.

Countersigned and entered,

Secretary.

I certify that this Debenture was duly registered in the Registry Office for the County of in the District of on the day of one thousand eight hundred and at of the Clock in the noon in Register page

Registrar.

SCHEDULE No. 2.

Referred to in this Act.

CAROUGE PIER WHARF AND DOCK COMPANY LOAN.

No.

£ currency.

This Debenture witnesseth that “ *The Carouge Pier, Wharf and Dock Company,*” under the authority of the Provincial Statute, passed in the year of Her Majesty’s Reign, intituled (*here insert title of this Act*) have received from the sum of currency, as a loan to bear interest from the date hereof at the rate of per centum per annum, payable half yearly, on the day of and on the day of which sum of pounds currency the said Company hereby bind and oblige themselves to pay on the to the said or to the bearer hereof, and to pay the interest thereon half yearly, as aforesaid, on the production of the *Coupon* therefor, which now forms part of this Debenture.

In testimony whereof President of the said Company hath hereunto set and affixed his signature and the Common Seal of the said Company, at the City of this day of one thousand eight hundred and

President.

Countersigned and entered,

Secretary.