

No. 151.

4th Session, 6th Parliament 24 Victoria, 1861.

BILL.

An Act to incorporate the Montreal Hydraulic and Dock Company.

(PRIVATE BILL.)

Received and Read, first time, Thursday,
11th April, 1861.

Second Reading, Monday, 15th April,
1861.

MR. DUNKIN.

QUEBEC.

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An Act to Incorporate the Montreal Hydraulic and Dock Company.

WHEREAS great public benefit would be derived from the erection, Preamble.
 within the Harbor of Montreal, of Docks and basins for vessels,
 and warehouses, stores and storehouses, elevators, railway tracks, and
 other works and erections connected therewith, to facilitate the storage
 5 and transhipment of goods, and the connection between Inland and
 River transport; and whereas the persons hereinafter named have, by
 petition, prayed to be incorporated for the said purpose: Therefore Her
 Majesty, &c., enacts as follows:

I. The Honorable John Young,

Incorporation
of Company.

10 and every such person or persons, body and bodies, politic and corporate,
 as shall under the authority of this Act, be associated with them, and
 their several and respective successors, executors, administrators and
 assigns, as stockholders in the Corporation hereby created, shall be a
 body politic and corporate by the name of "The Montreal Hydraulic
 15 and Dock Company," and by that name shall have perpetual succession,
 and a common seal, with power to break and alter the same, and shall
 and may sue, and be sued, implead and be impleaded in all courts of
 Law and Equity in this Province, and may purchase, hold and possess,
 lands and immovable estate, for the purposes of this Act, and sell and
 20 dispose thereof, or let and lease the same, as to the said Company may
 seem fit.

II. The said Company is hereby authorized and empowered to take
 possession of, use and occupy that part of the bed and beach of the
 River St. Lawrence, and real and immovable property within the limits
 25 of the Harbour of Montreal, extending from the abutment of the
 Victoria Bridge downwards, towards Windmill point, and the mouth of
 the Lachine Canal, within the limits shewn on the plan made by Charles
 Legge, Esquire, Civil Engineer, and containing in all one hundred and
 thirty arpents more or less, in superficies, and the same is hereby
 30 declared to be vested in the said Company, for the purposes of this Act,
 and thereupon and upon such other land as may be acquired by the
 Company under this Act, and which may be made and filled up adjacent
 thereto, to erect, construct, and maintain wet and dry docks, basins,
 piers and wharves, according to the plans hereinafter mentioned, and to
 35 construct and maintain stores, warehouses, sheds and other buildings, for
 the reception and storing of goods free of duty or in bond, or other-

Powers of
Company.

To erect docks
piers,
wharve,
stores, store-
houses, sheds,
&c.

wise ; also to construct elevators, and also to construct and maintain cranes and weigh beams ; to lay down railway tracks, turn tables and sidings, and to construct and maintain such other works and erections as shall be necessary fully to carry this Act into effect, and also to deepen and improve the bed of the river so as to secure an easy entrance to said docks, but said deepening and improvements, if done by the Company, shall be subject to the direction and control of the Harbour Commissioners, so as to interfere as little as possible with the Harbour accommodation, and it shall be lawful for the Harbour Commissioners to perform such deepening and improvements in the river, if they shall think it for the general benefit of the whole Harbor to do so, at the expense of the Harbor, and if otherwise at the expense of said Company, with power and authority to connect the canal docks and basins of the Company with the Lachine Canal and its basins, so as to afford passage for vessels and craft, under directions to be given by and on behalf of the Commissioners of Public Works, for the time being, who shall have power to make all contracts and arrangements with the Company, for the supply of water to the Lachine Canal and the manufactories thereon, from the Canal of the Company, opening the canal docks and basins of the Company to vessels and craft navigating the Lachine Canal and basins, on terms to be agreed on.

Deepening of River under control of the Harbor Commissioners.

Connexion may be made between the docks, basins and canals of the Company, and the Lachine Canal and basins.

Power to make canal ; to hold lands, and sell and lease them, and use water power along canal.

III. The said Company is hereby also authorized and empowered to conduct water from the River St. Lawrence by a canal to be made by the said Company, from some point on the River St. Lawrence, within seven miles from the City of Montreal, for the use and supply of the said docks, or for Hydraulic or manufacturing purposes, to enter upon and take possession of the bed and beach of the St. Lawrence, at the entrance of said canal, also to enter upon and survey all lands on the line of said canal, and from time to time to purchase, acquire, hold and from time to time to purchase, acquire, hold and enjoy all lands necessary for said canal, and such ditches as may be necessary along the same, and for a road on either or both sides thereof ; also to make all bridges, intersections, crossings, whether through, under, or upon public or private roads, or any aqueduct or canal ; provided that the lands so to be taken for said canal, and for the ditches on either side thereof and for the said road or roads shall not exceed feet English measure, in width, except at the entrance of said canal, where an extent of land not exceeding arpents may be acquired, and all necessary dams, piers, wharves or other works may be erected to secure the necessary supply of water for the said works.

Works within the Harbor to be made according to plan of Mr. Legge.

Deviations and alterations in plans, Subject to the approval of the Governor in Council.

IV. The works within the said limits of the said Harbor, shall and may be made in accordance with the plan made by Charles Legge Esq., Civil Engineer, shewing the general outline and extent of the said docks, basins, gates and wharves, or in accordance with such other plans as may be approved of by His Excellency the Governor in Council, and such plan of the said Charles Legge, or such other plans as may be approved of as aforesaid, signed and certified by the Provincial Secretary, shall be taken and considered, to all intents and purposes, as if incorporated into and sanctioned by this Act ; provided nevertheless, that deviations or alterations in such plan may be made, or new plans made, subject to the approval of His Excellency in Council as aforesaid, as may be found necessary for carrying out and completing the said works, and the originals of all such plans shall remain deposited in the office of the Board of Works, and one copy thereof certified by the Secretary of the Province, shall be delivered to the Company, and another copy

also so certified, shall be deposited with the Prothonotary of the Superior Court at Montreal, to remain deposited in their respective offices, to which copies all parties shall have access free of charge; and copies thereof, or parts thereof, shall be furnished by the Company or such Prothonotary, when thereto required, to any person, on payment of all reasonable charges and expenses therefor, which copies, when certified by the Secretary of the Company, or by such Prothonotary, shall be held to be correct and as duly proved.

Copies of plans, how to be obtained.

V. The said Company is hereby also authorized and empowered to sell and dispose of all or any of the stores, warehouses, sheds and other buildings or erections at and upon the said docks, or to let and lease the same, for such terms and on such conditions as they may think fit; also, to enter into agreement with any person or corporation, with respect to the use of said railway tracks, or any of the erections at and near said docks, and to use or to sell and dispose of, or lease water from the said canal, along such canal, or at or near said docks, not required for the said docks and basins, and which may be found useful and applicable to drive any machinery in mills, warehouses, and manufactories; and also, to purchase, acquire, hold and possess, lands along the line of the canal, on either or both sides thereof, and to sell, dispose or let and lease the said lands, with or without the water power, on such terms and conditions as they may think fit; but none of the provisions in this Act mentioned as to taking possession of, and entering upon lands, shall apply to lands so to be purchased along the canal applying the said water power, which lands shall only be acquired by voluntary contract and agreement.

Power to sell or let stores, to lease and sell water power.

To acquire lands along line of canal, and sell or lease the same with or without water power.

Such lands to be obtained only by voluntary contract.

VI. It shall be lawful for the said Company to levy upon all ships, vessels, boats, barges, steamboats, and other floating craft entering said docks or basins, or departing therefrom, or being at anchor or otherwise moored therein, and upon all goods landed or shipped in said docks or basins, or deposited or stored in any of the said stores, storehouses, warehouses, sheds or other buildings and erections, such dock dues, and wharfage rates and tolls as may be fixed and sanctioned by the Governor in Council.

Dock dues and wharfage rates, &c. to be sanctioned by the Governor in Council.

VII. The said rates, dues and tolls, shall be levied as follows:

1. *On seagoing vessels.*—The dock dues shall be levied from the master or person in charge thereof, and the wharfage rates and tolls on goods landed, or shipped, or stored shall be levied from the consignee, shipper, owner, or agent thereof.

2. *On all other vessels.*—The dock dues thereon, as well as the wharfage rates on the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person, for the recovery of the sums so paid; provided however, that it shall be lawful for the Company to recover the said wharfage rates, and also the said tolls from the owner, or consignees, or agents and shippers of such cargoes or goods.

Dues and rates, how to be collected and levied.

VIII. In case of non-payment of the said dues, tolls, and rates, or of any other charges under this Act, the said Company may lawfully make, it shall be lawful for the said Company to seize forthwith, before judgment, any vessel or goods, whatsoever, upon which such dues, rates, and charges are due, and to detain the same, at the risk, costs and charges of the owner, until the sum so due and all charges thereon, incurred by reason of such seizure and detention, be fully paid.

Seizure of vessels and goods for non-payment of rates, &c.

Report of draft of water and cargo, to be furnished by master.

IX. It shall be lawful for the said Company to require from the master, or person in charge of every vessel, in said docks or basins, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water—such report to be made before he shall break bulk; also, of her outward cargo, and draft of water before his vessel shall leave the docks or basins, and such other particulars as may be necessary to carry out the provisions of this Act, and in case of refusal or neglect to make such reports, or any of them, it shall be lawful for the said Company to seize and detain such vessel, at the risk, costs and charges, of the master, owner, or person in charge thereof, until such requirements are complied with: provided always, that nothing herein contained shall prevent the Company from making such mutual agreement with the masters, owners, or agents of steam-boats or other vessels, with respect to making such reports, and with respect to the payment of all dues, rates, and tolls, or from commuting the same, on such conditions, and for such periods and sums of money as may be mutually agreed upon.

Agreement as to reports and rates.

Seizure of vessel, how to be effected.

X. The seizure of any such vessel, which, under this Act, the said Company may make, may be effected by the order of any Judge or Justice of the Peace within Lower Canada, which order, such Judge or Justice of the Peace is hereby authorized and required to give, upon the application of the said Company or its authorized agent, on the institution of any action before such Judge or the court wherein he has jurisdiction, or before any Justice of the Peace, and on the affidavit of any one credible person, that the cause of such action alleged in the declaration, complaint or information, is well founded in fact, and such order shall and may be executed by any Constable, Bailiff, or other person whom the Company may choose to entrust with the execution thereof; and the said Constable, Bailiff, or other person, is hereby authorized and empowered, to take all necessary means, and to demand all necessary aid, to enable him to execute such order.

Master responsible for injury to works.

XI. If any injury is done to any of the docks, gates, basins, wharves, or other erections or works, authorized to be constructed by this Act, by any vessels, or by the carelessness or negligence of the crew thereof, while in the execution of their duty, or the orders of their superior officers, it shall be lawful for the Company to seize such vessel and detain her until the injury so done shall have been repaired by the master or crew, or until security shall have been given by the said master, to pay such amount for the injury and costs, as may be awarded in any suit which may be brought against him for the same, and the said master is hereby declared to be liable to the said Company for any such injury.

Company may agree with Collector of Customs to collect rates, &c.

XII. It shall be lawful for the Company to agree with and require the Collector of Customs at the port of Montreal to collect such portion of the said rates, dues, tolls and charges on its behalf, as it may be found for the convenience of trade to collect through him, on first paying and securing to said Collector such remuneration, costs and charges as may reasonably be incurred by such collection.

Company to make fences, crossings, ditches, &c., along the canal.

XIII. It shall be the duty of the Company to construct and maintain on each side of the said canal proper fences of the height and strength of an ordinary division fence, with openings or gates, and bars therein, also to make and maintain sufficient ditches where necessary to keep the farms free from water from the canal; also to make and maintain a bridge or farm crossing over said canal, for each farm through which it

shall pass, for the use of the owner or occupant of such farm, but in case of agreement to that effect with the owner, the Company may arrange to be relieved permanently, or for a time, from erecting and maintaining such fences, ditches, bridges or farm crossings, and on so doing, and on enregistration in the Registry Office of such agreement, the Company shall be relieved therefrom according to the terms of agreement.

May make agreements to be relieved from so doing.

XIV. It shall be lawful for the Company to enter into any contract or agreement with the corporation of the City of Montreal to obtain, if at any time necessary, a supply of water for the works contemplated by this Act, from the canal or aqueduct constructed by the said corporation, or for the discharge of the water of the tail race of the corporation into the canal of the present Company, or for the purpose of acquiring any street or streets, or any rights thereon, or for, or in respect of any drains, sewers, water pipes, gas pipes or other property, or rights vested in, or belonging to such corporation, or for obtaining police for the protection of the said works; and the said corporation shall have full power to enter into such contracts or agreements, or such other contracts or agreements as may be found necessary in respect of the said works or any part thereof.

Contracts and agreements between the company and the corporation of Montreal.

XV. It shall be lawful for the Company to borrow under the authority of this Act, and for carrying its provisions into effect, to the extent of currency, in such sums and at such rates of interest, not exceeding per cent. per annum, and for such period or periods as may be found expedient, and to issue under the hand of the President, and the seal of the Company, debentures or bonds of the Company, to be countersigned by the Secretary, for the sum and sums so to be borrowed, payable at such time and times, to the bearer thereof, either within this Province or elsewhere, and either in currency or sterling with interest payable at any time and times specified, and with or without coupons annexed, and if with coupons such coupons to be signed by the Secretary, which shall be payable to bearer at the time and times they shall respectively become due, and such bonds or debentures shall be in the form prescribed by any By-law of the Company, and may be recalled and others issued in their stead, and the said sum and sums so borrowed shall be paid out of the tolls, dues, rates and revenues of the said works and of the said Company; and for the payment thereof the holder shall and may, if so provided in such debentures and bonds, have a special charge, lien, mortgage or *hypothèque*, upon such tolls, dues and rates, and also upon the said canal, docks, basins, works and erections authorized by this Act to be made, but no holder of any debenture or bonds shall have any priority or privilege over any other debenture or bondholder, whatever may be the date of such bond or debentures or of the registration thereof.

Corporation may borrow £ cy.

May issue bonds or debentures.

Form and tenor of debentures.

XVI. Vessels passing through the harbour directly into the said docks and basins, or directly from the said docks and basins, without receiving or landing cargo, or being moored at any of the wharves in the harbour, shall be liable to the Harbour Commissioners for no other rates, dues or charges than for a tonnage duty, the amount of which shall be settled by agreement between the Harbour Commissioners and the Company, or in default thereof by the Governor in Council, and such tonnage duty shall be so fixed as to protect the interests of the Harbour Commissioners.

Tonnage dues on vessels entering or leaving docks without touching the wharves of the Harbour.

XVII. It shall be lawful for the members of the Company to raise and contribute among themselves at any time, and from time to time,

Capital stock of Company

to be
£
cy.
Shares £
cy. each.

the sum of currency, and the sums so raised shall be the capital stock of the said Company, which shall be divided and held in shares of currency each, and the said shares after the first instalment thereon shall have been paid, and subject to any conditions, and restrictions to be prescribed by any By-law in regard to transfer of shares, may be transferred by the respective persons subscribing for or holding the same, to any other person or persons, and such transfer shall be registered in a book or books to be kept for that purpose by the Company, but no shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being, due on every share held by him, and the stock, property, and effects of the said Company shall be deemed personal estate. 5 10

Books for transfer of shares to be kept.

Works not to be commenced until

£
are subscribed and £ paid up and deposited.

Stock may be increased by £ cy.
Or by new shares of £ each.

XVIII. The construction of the said works shall not be commenced until shares of the capital stock to the extent of shall have been subscribed, nor until the sum of shall have been paid and deposited in some chartered Bank in this Province, but if at any future period, the said sum of shall be found insufficient for the purposes of this Act, it shall be lawful for the Company to increase their capital stock by a further sum not exceeding 15 20 25
subscribed either among themselves, or by the admission of new stockholders, such new stock being divided into shares of each : Provided that such increase be decided upon by a majority in number and value of the stockholders of the Company present, personally or by proxy, at any meeting held for the purpose.

Directors to be named.

XIX. The business and affairs of the said Company shall be conducted and managed, and its powers exercised by Directors, to be appointed by the shareholders at the annual meeting of the Company, by the shareholders then present personally, or by proxy, and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors shall be 30

Majority of Directors to be a quorum.

General Meeting, when and how to be held.

Number of Directors.

who shall have full power to open books of subscription for stock at such places as they may appoint, and to give notice thereof, and a majority of them, and of Directors to be elected as hereinafter mentioned shall be a quorum for the transaction of business. 35

XX. The first General Meeting of the members of the Company for the election of Directors may be held at Montreal whenever the shares of stock to the extent of pounds currency shall have been subscribed, and the said sum of pounds currency paid and deposited as above mentioned, provided that public notice thereof shall be given during one week in at least one newspaper published in the English and at least one published in the French language in the City of Montreal, and at such general meeting of the shareholders with such proxies as may be present, shall choose seven Directors, each being a proprietor of at least shares ; and may then, or at any subsequent general meeting, proceed to pass such By-laws, rules and regulations, as may be necessary to carry this Act into effect. 40 45

XXI. The Company shall cause a map or plan and book of reference to be made, by some sworn land Surveyor of Lower Canada, of the lands through which the said canal shall pass, and of the course and direction of said canal, with a general description of the lands, with the names of the owners or occupants thereof, so far as they can be ascertained, which plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his deputy, who shall deposit a copy thereof in the office of the said Prothonotary, and deliver another copy thereof to the Company, to which copies all persons shall have access, free of charge; and the said copies so delivered, or copies thereof or of parts thereof, certified by the Secretary of the Company or by the said Prothonotary, shall be held as sufficiently proved in any Court or proceeding; and, until such plan or map and book of reference shall have been so made and copies thereof delivered as aforesaid, the works of the said canal shall not be proceeded with, but surveys of such lands may be made by or on behalf of the Company, provided no damage be thereby caused, or such damage be paid for or repaired.

Plan and book of reference to be made.

Copies, where to be deposited.

XXII. After any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said canal and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, corporation aggregate or sole, communities, *grevés de substitution*, *gardiens*, curators, executors, administrators, and all other trustees or persons whatsoever, 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, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of, or interested in, any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds, which shall under this Act be set out and ascertained as aforesaid; and all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding; and all bodies politic or corporate, or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them, shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said canal and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so then set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards set out and ascertained, within one year from the date of the agreement, and although such land may in the meantime have become the property of a third party; and possession of the same may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter mentioned; Provided always, that the Company shall have power to issue paid-up stock in the Company in payment of the price of any real estate or rights to be acquired by the Company under this Act, or for the amount of compensation to

After lands are set out, Company may acquire lands.

Parties may agree as to price of lands before they are set out.

Company may pay no paid-up stock for lands

- taken or damage done, if any party agree to receive such paid-up stock in payment. be paid to any party entitled thereto for loss or damage suffered or to be suffered by the taking of any lands or the execution of any works under this Act, if such party shall agree to take and receive the same in payment thereof, and such paid-up stock shall be free from all calls whatsoever on the part of the Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company and paid by the holder in full. 5
- Annual rent, when to be fixed. XXIII. Any body politic, community, corporation or other like party who 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 making the said canal, and other the purposes and conveniences relative 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 all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed 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 lands, which the vendor shall agree to leave in the hands of the said Company, the said canal and works and the tolls to be levied and collected thereon shall be and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered. 10 15 20 25
- Privilege for such rent. XXIV. Whenever there shall be more than one party proprietor of any land or property, *par indivis*; any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors of one-third or more of such land or property, as to the amount of compensation for the same or any damages thereto, shall be binding as between the remaining proprietor or proprietors, *par indivis*, and the Company; and the proprietor or proprietors who have so agreed may deliver possession of such land or property to the Company. or empower them to enter upon the same, as the case may be. 30
- Agreement with proprietors, *par indivis*. XXV. So soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being deposited shall have been given during at least one calendar month, in the English and French languages, in at least one newspaper published in the City of Montreal, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such canal is intended to be carried, or which may suffer damage from the taking of materials, or from the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say: The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, 35 40 45 50 55
- Company may agree as to compensation for land or damages. How, if parties disagree. Effect of deposit of map and book of reference.

of the lands which will be required for the said canal and works. The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them), a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands, or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shown on the map or plan deposited as aforesaid, as being required for the said Canal and works, or as being within the limits of deviation hereby allowed from the line of the said Canal, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid; and in making the estimates for such compensation, the Surveyor shall, as shall also the arbitrators hereinafter mentioned, take into consideration and allow for the benefit to accrue from the said Canal to the party to whom compensation is to be made; and in any case where the Company shall have given and served the notice aforesaid, it shall be lawful for them to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or to any other party, but the Company shall in such case be liable to the party first notified for all demands and costs by him incurred in consequence of such first notice and *desistment*; and no change of ownership, after the Company shall have given and served the notice aforesaid, shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded.

Notice to opposite party.

Certificate of Surveyor.

If the opposite party be absent from the District in which the land shall be situate, or be unknown to the said Company, then, upon application to any Justice of the Superior Court for Lower Canada, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company, that such opposite party is absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted at least three times during one calendar month in some newspaper published in the City of Montreal, to be named by such Justice, in the English or French language, or both, in the discretion of such Justice.

If party be absent, or unknown.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Justice may, on application of the said Company, appoint some sworn surveyor for Lower Canada to be sole arbitrator for determining the compensation to be paid by the Company.

Party not accepting offer or naming arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of a person such party shall appoint as arbitrator, then the said two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence), then any such Justice shall, upon the application of

Opposite party's arbitrator

Third arbitrator. the said party or of the Company (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator.

Duties of arbitrators. The said arbitrators, or sole arbitrator, being sworn before a Justice of the Peace faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company in such a way as they, or he, or a majority of them shall deem best, and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive: Provided, that no such award shall be made, nor any official act done by such majority except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or at some meeting at which the third arbitrator was present, or of which he shall have had notice, shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the arbitrator which they have appointed, or whose appointment they shall have required.

Award, when to be made. Provided always, that the award given by any sole arbitrator shall never be for a less sum than that offered by the Company aforesaid; and if, in any case where three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company; and in either case they may, if not agreed upon, be taxed by such Justice as aforesaid.

Costs. The arbitrators, or a majority of them, or the sole arbitrator, may, in their discretion, examine on oath, or solemn affirmation, the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

May examine parties or witnesses. The arbitrators, or a majority of them, or the sole arbitrator, may, in their discretion, examine on oath, or solemn affirmation, the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Time limited for award. The Justice by whom any third arbitrator, or sole arbitrator, shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time of making it shall have been prolonged, either by the consent of the parties or by the order of any such Justice (as it may, for reasonable cause shown, on the application of such sole arbitrator, or one of the arbitrators, after one clear day's notice to the others), then the sum offered by the Company, as aforesaid, shall be the compensation to be paid by them.

Death of arbitrator. If the party appointed by any Justice, as third Arbitrator, shall die before the award be made, or shall refuse to act or fail to act, within a reasonable time, then, upon the application of either party, any such Justice being satisfied, by affidavit or otherwise, of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and if the Arbitrator appointed by the said Company, or by the opposite party, shall die before the award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained, to the satisfaction of some Justice, as attested by his certi-

ficcate to that effect,) such Justice may authorize the said Company, or the opposite party (as the case may be), to appoint another in his stead, notifying the other Arbitrators of such appointment, but no recommencement or repetition of any prior proceedings shall be necessary.

5 It shall be no disqualification to the Surveyor or other person offered
 or appointed as Valuator or as Arbitrator, that he be employed by the
 Company, or by the opposite party, or that he has previously expressed
 an opinion as to the amount of compensation, or that he be related or of
 10 kin to any member of the Company, provided he be not himself per-
 sonally interested in the amount of such compensation; and no cause of
 disqualification shall be urged against any Arbitrator appointed by a
 Justice of the said Superior Court after his appointment, but shall be
 made before the same, and its validity or invalidity summarily determined
 by such Justice; and no cause of disqualification shall be urged against
 15 any Arbitrator appointed by the Company, or by the opposite party, after
 the appointment of a third Arbitrator, and the validity or invalidity of
 any cause of disqualification urged against any such Arbitrator, before
 the appointment of a third Arbitrator, shall be summarily determined by
 any such Justice, on the application of either party, after one day's
 20 clear notice to the other, and if such cause be determined to be valid, the
 appointment shall be null, and the party offering the person so adjudged
 to be disqualified, shall be held to have appointed no Arbitrator.

Arbitrators,
when not dis-
qualified.

No award made as aforesaid shall be invalidated by any want of form,
 or other technical objection, if the requirements of this Act shall have
 25 been substantially complied with, and if the award shall state clearly
 the sum awarded, and the lands or other property, right or thing for
 which such sum is to be the compensation; nor shall it be necessary that
 the party or parties to whom the sum is to be paid be named in the
 award.

Award not to
be null for
want of form.

30 XXVI. Upon payment or legal tender of the compensation or
 annual rent so awarded, agreed upon or determined to the party entitled
 to receive the same, or upon the deposit of the amount of such com-
 pensation, in the manner hereinafter mentioned, the award or agreement
 shall rest in the said Company, the power forthwith to take possession
 35 of the lands, or to exercise the right, or to do the thing for which such
 compensation or annual rent shall have been awarded or agreed upon;
 and, if any resistance or forcible opposition shall be made by any person
 or party to their so doing, any such Justice as aforesaid, may, on proof
 to his satisfaction that the requirements of this Act have been complied
 40 with, issue his Warrant to the Sheriff of the District, or to any Bailiff
 of the Superior Court (as in his discretion may be most suitable), to put
 the said Company in possession, and to put down such resistance or
 opposition, which such Sheriff or Bailiff, taking with him sufficient assist-
 ance, shall accordingly do: Provided always, that such warrant of pos-
 45 session may also be granted by any such Justice, upon proof, by affidavit
 to his satisfaction, that immediate possession of the land or power to do
 the thing in question is necessary to the carrying on of the works of
 the said Company, the adverse party being summoned by one clear
 day's notice to appear before such Justice, and the Company giving such
 50 security as the said Justice shall direct, to pay or deposit the sum to be
 awarded, with interest from the day on which the warrant shall be
 granted, and all lawful costs, within thirty days after the award shall
 be made, such security not being for less than twice the sum awarded by
 the Company in the notice to such adverse party.

Lands pur-
chased or
taken may be
taken posses-
sion of, on
payment of
award.

Resistance,
how to be put
down.

Compensation to stand in place of land.

Proceedings or ratification of title.

Interest how to be adjudged.

XXVII. The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land; and any claim to, or hypothec, or incumbrance upon the said land or any portion thereof, shall, as against the said company, be converted into a claim to the said compensation or to a like proportion thereof, and if the amount of such compensation exceed twenty pounds, they shall be responsible accordingly, whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided always, that if the said company shall have reason to fear any such claims, hypothecs, or incumbrances, or if any party to whom the compensation, or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the company, or if for any other reason the company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Superior Court in the district wherein such land is situated, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of such notice, the Prothonotary shall state that the title of the Company (that is the conveyance, agreement or award) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands, or any part thereof (including dower not yet open), as well as all hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it advisable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months have expired, the Court shall order the Company to pay to the proper party the interest for such further period as may be right: Provided always, that if the amount of the said compensation do not exceed twenty pounds, the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance or agreement, shall be a sufficient title to the said Company and shall forever discharge them from all claims of any other party to such compensation, or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

XXVIII. All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed damage sustained; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Suits for indemnity limited.

XXIX. If any person shall by any means, or any manner or way whatsoever, obstruct or interrupt the free use of the said Canal, or the works incidental or relative thereto or connected therewith, or do damage thereto, to any of the docks, piers, wharves, warehouses, sheds, buildings, tracks, cranes, weigh-beams, elevators, or other erections and works of the said Company, such person shall for every such offence incur a forfeiture or penalty of not less than one pound five shillings nor exceeding ten pounds currency, one-half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor, or informer, and the other half to Her Majesty, her heirs and successors, and shall be paid into the hands of the Receiver General and be applied for the public uses of the Province and the support of the Government thereof.

Damage to Works; how punished.

XXX. The number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say, one vote for any number of shares less than five shares, and every holder of five shares and upwards shall have two votes for every five shares, and all proprietors of shares may vote by proxy if they shall see fit, provided that such proxy shall produce from his constituent or constituents an appointment in writing in the words or to the following effect, that is to say :

Votes according to number of shares.

“I, _____, of _____, one of the members of the Montreal Hydraulic and Dock Company, do hereby nominate, constitute, and appoint _____, of _____, to be my proxy, in my name, and in my absence, to vote or give my assent or dissent to any business, matter, or thing relating to the said undertaking that shall be mentioned or proposed at the meeting of the members of the said Company, in such manner as he, the said _____ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or anything appertaining thereto. In witness whereof I have hereunto set my hand and seal, _____ day of _____, in the year _____.”

Form of proxy.

And such vote or votes by proxy shall be as valid as if the principal, or principals had voted in person; and whatever question, election of proper officers, or matters or things shall be proposed, discussed or considered in any public meeting of the proprietors, to be hold by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and acts of the said Company.

XXXI. No member of said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company, beyond the extent of his, her, or their shares in the capital of the said Company not paid up.

Liability of shareholders limited.

Annual election of Directors.

XXXII. The Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year, and in the month of January in the said year, and each year thereafter, and on such day of the month as shall be appointed by any by-law, an annual general meeting of the members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such members, holding together one hundred shares at least, that, for more effectually putting this Act in execution, a special general meeting of the members is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any by-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings, respectively; and the members are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the members, or a majority of them, at such special meeting assembled, (such majority not having either as principals or proxies less than one hundred shares,) shall be as valid to all intents and purposes, as if the same were done at annual meetings; provided always, that it shall and may be lawful for the said members at such special meetings (in like manner as at annual meetings,) in case of the death, absence, resignation, or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign, or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

Special Meetings how to be called.

Quorum at Special Meetings.

Number of Directors who shall retire annually.

XXXIII. At each of the said annual meetings of the members of the said Company, four of the said Directors shall retire, the order of retirement of the said first elected Directors being decided by ballot, but the Directors then or at any subsequent time retiring shall be eligible for re-election; provided always, that no such retirement shall have effect, unless the members shall, at any such annual meeting, proceed to fill up the vacancies thus occurring in the Direction.

Directors to elect a President and Vice President.

XXXIV. The Directors shall, at their first [or some other] meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always, (when present), be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Quorum of Directors.

XXXV. Any meeting of the said Directors, at which not less than four Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company; provided always, that no one Director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, and the President or the Vice-President when acting as Chairman, or any temporary Chairman, who in case of the absence of the President and Vice-President, may be chosen by the Direc-

tors present, shall, when presiding at a meeting of the Directors in case of a division of equal numbers, have the casting vote, and no other; and provided also, that the Directors shall from time to time be subject to the examination and control of the said annual and special meetings of the said members as aforesaid, and shall pay due obedience to all By-laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said members at such annual or special meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained; and provided also, that the act of any majority of a *quorum* of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Casting vote
of Chairman.

Directors subject to control
of Annual or
Special Meetings.

XXXVI. Every such annual meeting shall have power to appoint, not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking by the Directors and Managers and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them; and the said Directors, chosen under the authority of this Act, shall have power, from time to time, to make such call or calls of money from the Proprietors of the said works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided, however, that no call do exceed the sum of _____ current money of this Province, for every _____ pounds, currency; and, provided also, that no calls be made but at the distance of at least three calendar months from each other; and the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking; and to affix and authorize the Secretary or his Deputy to affix the Common Seal of the Company to any act, deed, by-law, notice, or other document whatsoever; and any such act, deed, by-laws, notice, or other document bearing the Common Seal of the Company, and signed by the President, or any Director, or by any officer, by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said seal thereto, be liable to be called in question by any party except the Company; and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company, except such as are hereby expressly directed to be exercised by the members at annual or special meetings.

Auditors to be
named.

Calls, and
their amount.

Other powers
of Directors.

XXXVII. Each owner or owners of one or more shares in the said undertaking shall pay his, her, or their shares and proportion of the money to be called for as aforesaid, to such Bankers, and at such time and place as the said Directors shall appoint and direct, of which notice shall be given, by at least four insertions thereof in the course of _____ months, in two newspapers as aforesaid, or in such other manner as the

Shareholders
to pay calls

members of the said Company shall by any By-Law direct or appoint; and if any person or persons shall neglect or refuse to pay his, her, or their ratable or proportionable part or share of the said money to be called for as aforesaid, at the time and place so appointed; he, she, or they neglecting or refusing, shall forfeit a sum not exceeding the rate of five pounds for every one hundred pounds of his, her, or their respective share or shares in the said undertaking; and in case such person or persons shall neglect to pay his, her, or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof, as aforesaid, then he, she, or they, shall forfeit his, her, or their respective share and shares in the said undertaking, and all the profit and benefit thereof, and all money paid therein; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable, with interest, from the time the same shall be so appointed to be paid, until the payment thereof: Provided always, that in case any person or persons shall neglect or refuse to pay any such call or calls, at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same, with interest and costs, in any Court of Law having competent jurisdiction; and in any such action, it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the Defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company, that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company, to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the Attorney or Solicitor acting in the name of the Company, be called in question, except by the Company, nor shall it in any such case be necessary to name the Directors or any of them, or to mention any other special matter whatever, and the Defendant shall not plead the general issue, but may by a plea in denial traverse any particular matters of fact alleged in the Declaration, or specially plead some particular matters of fact in confession and avoidance.

Forfeiture for non-payment of calls.

Allegations in suits for calls.

Forfeiture to be declared at general meeting.

Company may remove Director or officers, &c.

XXXVIII. No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some annual or special meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits, or prosecution whatsoever, to be commenced and prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Company or undertaking.

XXXIX. The said Company shall always have power and authority, at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to revoke, alter, amend or change any of the

- By-laws or orders prescribed with regard to their proceedings amongst themselves, and shall have power to make such new rules, By-laws and orders for the direction, conduct and management of the Company, its property, real and personal; also for the good government and regulation of the said locks and basins throughout the year and maintaining order thereon, and preventing depredations and thefts, and the collection of all dues, rates, commissions and penalties imposed by or due under this Act; for the preventing injuries to and preventing encroachments, incumbrances, and damages to or upon their said property; for the anchoring, riding, mooring and fastening of all vessels in the said docks; for regulating the use of fire and light aboard the vessels in said docks and basins, or in all or any of the said stores, storehouses, warehouses or buildings; for the good government of the said Company and their servants, agents and workmen; for the good and orderly making, maintaining and using the said docks and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever using the said docks or other works, or transporting any goods, wares, merchandise or other commodities thereon; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or orders, as to such general meeting shall seem meet, not exceeding the sum of ten pounds, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders, being put into writing under the common seal of the Company, shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate thereto, or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company, and in all and every of the places where dues, rates or charges are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court, without further proof.
- XL. It shall and may be lawful to and for the several proprietors of the said docks or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and part of such deed duly executed by seller or purchaser, shall be delivered to the said Directors, or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than one shilling and three pence shall be paid, and the said Secretary is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Power to regulate Basins, docks, &c.

To collect dues &c.

To impose fines and penalties for breach of By-laws.

By-laws to be published.

Certified copy to be evidence.

Shares may be sold.

XLI. The sales of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

Form of transfer.

“ I, A. B., in consideration of the sum of _____, do hereby 5
 “ paid to me by C. D., of _____, share (or
 “ bargain, sell and transfer to the said C. D., _____ share (or
 “ shares) of the stock of “ *The Montreal Hydraulic and Dock Company*,”
 “ to hold to him the said C. D., his heirs, executors, curators, adminis- 10
 “ trators and assigns, subject to the same rules and orders, and on the
 “ same conditions that I held the same immediately before the execution
 “ hereof. And I, the said C. D., do hereby agree to accept of the said
 “ _____ share (or shares) subject to the same rules, orders
 “ and conditions. Witness our hands and seals, this
 “ day of _____, in the year _____ ;” Provided 15
 always, that no such transfer of any share shall be valid until enregis-
 tered in a transfer book, to be kept for that purpose, nor until all calls
 or instalments then due thereon shall have been paid up.

Dues, rates and charges to be stuck up.

XLII. The said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, a printed board or paper ascertaining all the tolls, rates, dues and charges payable under 20
 this Act.

Fines.

XLIII. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursuance thereof, (of which By-laws, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures 25
 are not particularly herein directed, shall, upon proof of the offence, before any one or more Justice or Justices of the peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby required to administer without fee or 30
 reward), be levied, with costs, by distress and sale of the offenders goods and chattels, by warrant under the hand and seal, or hands and seals, of such Justice or Justices; and all such fines, forfeitures or penalties, by this Act imposed, or authorized to be imposed, the application whereof 35
 is not hereinbefore particularly directed, shall be paid into the hands of the Company, and shall be applied and disposed of for the use of the said docks or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the 40
 goods so distrained and sold; for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol of the District wherein he is convicted, there to remain, without bail or mainprize, for such term, not exceeding one month, as such Justice or Justices shall think proper, unless such penalty 45
 and forfeitures, and all expenses attending the same, shall be sooner paid and satisfied.

Rights of Her Majesty.

XLIV. Her Majesty, Her Heirs and Successors, may at any time assume the possession and property and works of the said Company, and all the rights, privileges, and advantages thereof, (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors) 50
 on giving to the Company one year's notice, and on paying to the Company the value of such property and works, to be fixed by arbitrators, one to be chosen by the Government, another by the Company, and in

case of disagreement, by a third arbitrator, to be chosen by the said two arbitrators; Provided that such value shall not be fixed at less than the capital stock, with interest from the time of investment thereof, at per cent. after deduction of all dividends received. And the Corporation of the Harbour Commissioners of Montreal may assume possession of the said property and works, on the same terms as Her Majesty; on being first authorized to that effect by the Governor in Council.

XLV. This Act shall be deemed and taken to be a Public Act.

Public Act