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No. 48.

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1st Session, 2nd Parliament, 36 Victoria, 1873.

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**BILL.**

An Act to incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

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**PRIVATE BILL.**

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**MR. BEAUBIEN.**

An Act to Incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

**W**HEREAS the construction of the Works hereinafter mentioned would afford additional facilities to Inland Navigation, and assist in promoting Trade and Manufactures, and would be for the general advantage of Canada, and the persons hereinafter named have petitioned to be incorporated for the purposes of this Act; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, of Canada, enacts as follows :

1. That Frederick B. Matthews, John Crawford, Harrison Stephens, Alexander Somerville, Francis Hadley, Daniel Hadley, Frederick Gerrikin, Archibald Ogilvie, John S. Hall, Joseph Rielle, Catherine Dumberry, Joseph Lanouette, Francois X. Brault, D. M. Cadieux, Charles J. Brydges, Robert J. Reekie, Alexander Cross, Patrick Rooney, James H. Springle, Duncan J. Macdonald, and such others as shall become Shareholders in the Corporation hereby created, shall be, and they are hereby constituted a body corporate and politic by the name of the Lachine Hydraulic Works Company.

Certain persons incorporated.

Corporate name.

2. The said Corporation, hereinafter called the Company, are authorized to construct and maintain, either or all of the works hereinafter designated respectively by the Divisions, Numbers One, Two and Three.

Company empowered to construct certain works.

Division number One, to consist of a Canal from the navigable waters of the River St. Lawrence at some point above the Lachine Rapids, to the Harbour of Montreal, or to some point near and convenient thereto.

Division number one.

Division number Two, to consist of Wet and Dry Docks, Piers, Wharves, and Basins at or within the western limits of the Harbour of Montreal.

Division number two.

Division number Three, to consist of a Dam from the North Bank of the River St. Lawrence to the Island, in the vicinity of the Lachine Rapids, known as Isle au Heron, with Docks, Piers, Wharves, and Basins above the said Dam, and a Canal from the waters above the Dam, to or near the Harbour of Montreal.

Division number three.

3. The Company may enter upon and survey all lands on the line or localities of said works, and ascertain and set out the portions thereof required for each of said Divisions severally, and so soon as by the terms of this Act they shall be authorised to com-

Further powers of company.

mence any one of said Division of Works, they may purchase and acquire by voluntary agreement any lands, real estate, or real rights, they may judge necessary for such works or advantageous for the creation and operation of water powers, or other useful purposes in connection therewith. 5

3. S. Railway Act 1868, to apply to works constructed under this Act

4. Section Eight of the Railway Act of 1868, shall be held and considered as incorporated with this Act, and shall form part thereof, and shall be applicable to each of the said Three Divisions of works separately and respectively, in so far as the same can be made applicable for the carrying into effect of the purposes of this Act, save that wherever the term " Railway Company " is made use of, in said Section Eight of said Railway Act of 1868, there shall be substituted and understood to stand instead thereof, " the Company incorporated by this Act," and where the term Railway is made use of in said Section Eight of 15 said Railway Act, there shall be substituted and understood to stand instead thereof the works authorised by this Act.

Section 9 of the Railway Act, 1868, to apply to lands to be taken under this Act.

5. Should the lands necessary for the construction of any one or all of the several Divisions of said works not to be acquired by voluntarily agreement, then so soon as the Company shall have become by the terms of this Act, entitled to commence 20 such Division of works respectively, for the acquisition of such lands as may still be necessary for the said works, the Company shall have all the power and authority specified and set forth in Section 9 of the Railway Act of 1868, in the same manner as if the works authorised by this Act had been the construction of a 25 Railway, and the said 9th Section of the Railway Act of 1868 had been specially invoked and incorporated with the special Act for the construction of such Railway, and to form part thereof, and the said 9th Section shall be held and considered as incorporated with this Act, in so far as it can be made applicable, and is not inconsistent herewith save and except only 30 sub-section 18 of said Section 9, which shall not apply, and shall not be held to be incorporated into this Act.

Exception as to sub-section 18.

Company empowered to deepen the bed of the river within the Harbour of Montreal,

6. The said Company in connection with the Division number 35 Two, but subject to the Direction and control of the Harbour Commissioners, may deepen and improve the bed of the River for Navigation purposes, to secure an easy entrance to their docks and works at that place.

Power to connect their canals and works with the Lachine Canal.

7. The said Company may also, by permission of and agreement with Her Majesty, through the Minister of Public Works, connect their canals and docks with the Lachine Canal and its basins and supply water, and other facilities to the latter; and the Minister of Public Works is authorised to make agreements with the Company for these purposes, and generally to facilitate the transit of vessels between the Lachine Canal, the Harbour of 45 Montreal, and the works hereby authorised as well as for all purposes for facilitating navigation and trade in connection with said works.

Power to furnish water power and water supply to the City of Montreal.

8. The Company are further empowered from time to time to agree with the Corporation of the City of Montreal, to furnish 50 water power to the latter, as also to supply, in whole or in part,

water for the use of the City ; and the said Corporation of the City of Montreal, are authorised to enter into all such contracts or agreements with said Company, as may be necessary for any of said purposes.

5 **9.** The said Company may also from time to time agree with any and all Railway Companies for the laying down and working of Railway tracks, sidings, and other Railway facilities and conveniences in connection with all or any of said works, as also for the use of their said Dam to carry a bridge across the River  
10 St. Lawrence, and said Railway Companies are severally authorised to make and carry out all such agreements.

Power to make arrangements with Railway Companies.

**10.** The said Company may also have power on any of their said works to construct and maintain Locks, Gates, Sluices, Piers, Basins, Wharves, Water Powers, Mills, Machinery, Warehouses,  
15 Sheds, Buildings, Elevators, Weighbeams, and all such other works, constructions and appliances as may be incident to, or which may by them be found necessary or useful in carrying out the objects contemplated by the present Act, and especially for facilitating the unloading, shipment, storing and handling of  
20 merchandise, also Railways, Railway tracks, Stations, Turn Tables, and everything necessary for the operation of Railways in connection with their said works. They may also for like purpose construct, purchase, own and dispose of all kinds of steamers, vessels and other craft.

General powers.

25 **11.** The Company shall construct and maintain on each side of the said Canals, proper fences of the height and strength of an ordinary division fence, with openings or gates, and bars therein ; shall make and maintain sufficient ditches, when necessary, to keep the farms free from water from the Canals, and shall make  
30 and maintain a bridge or farm crossing over such Canals, for each farm through which they or either of them 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  
35 and maintaining such fences, ditches, bridges or farm crossings, and in so doing, and on enregistration in the registry office, of such agreement, the Company shall be relieved therefrom, according to the terms of the agreement.

Company to construct and maintain fences, bridges and ditches.

**12.** The Company may use or dispose of their water, water  
40 powers, mills, machinery, warehouses, sheds, and other such property and conveniences, including lands not required for the docks or canals, by sale, lease or otherwise on such terms as they see fit, and may from time to time repurchase or acquire the same or others in connection with their works by purchase, lease or  
45 otherwise, and again dispose of them in like manner.

Power to use and dispose of water powers, mills, &c.

**13.** In the construction of Division number One of said works, the Company may, for their profit and advantage, take possession of, use and occupy so much of the bed and beach of the River  
50 St. Lawrence at the entrance of the Canal, as may be useful for its efficiency, as well as at any point at which it may be found expedient to provide outlets or tail races for the water from said canal.

Power to use and dispose of certain parts of river bed and beach at entrance of canal for division one.

Power to take and occupy certain parts of the bed and beach of St. Lawrence, within the harbour of Montreal, for division number two.

**14.** In the construction of Division number Two, they may, for their profit and advantage, and to the extent that may be permitted of by the Governor General in Council, with the sanction of the Harbour Commissioners for the time being for the Harbour of Montreal, take possession of, hold, use and occupy that part of the bed and beach of the River St. Lawrence, and real and immovable property within the limits of the Harbour of Montreal, extending from the northern abutment of the Victoria Bridge, downwards towards wind mill point and the mouth of the Lachine Canal, or so much thereof as may be required for said works. 5 10

Power to take and occupy certain parts of the river bed of the St. Lawrence, for division number three.

**15.** And in the construction of Division number Three, they may, for their profit and advantage, take possession of, use and occupy that part of the bed of the River St. Lawrence, situate below the dam, to the extent of two thousand feet, but no more; also, of that part of the bed of the River situate along the River bank, downwards from said dam to the property now or lately in the possession of the Hon. Sir A. T. Galt, inclusively, and to the extent of one thousand feet in width. 15

Power to levy tolls upon ships, goods, &c.

**16.** The Company may levy upon all ships, vessels, boats, barges, steamboats, and other floating craft entering their said docks, basins or works, or departing therefrom, or being at anchor or otherwise moored therein, and upon all goods landed or shipped in such docks, basins or works, or deposited or stored in any of the said stories, store-houses, warehouses, sheds, or other buildings and erections, such dues, rates and tolls as may be fixed and sanctioned by the Governor in Council. 20 25

Tolls, how levied.

**17.** Such rates, dues, and tolls, shall be levied as follows :

On sea going vessels.

1. *On sea-going 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. 30

On other vessels.

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 of goods. 35 40

Company may seize vessels, goods, &c., for dues or tolls.

**18.** In case of non-payment of the said dues, tolls and rates, or of any other charges under this Act, which the Company may lawfully make, it shall be lawful for the 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, cost 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. 45

**19.** The Company may require from the master or person in

charge of every vessel, in the 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 made before his vessel leaves 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, the Company may 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 steamboats 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.

Company may compel masters of vessels to furnish reports of cargo and draft of water, and may seize such vessels for refusal to report.

Province.

20. The seizure of any such vessel, which, under this Act, the Company may make, may be effected by the order of any Judge or Justice of the Peace within the Province of Quebec, which order such Judge or Justice of the Peace is hereby authorised and required to give, upon the application of the Company or its authorised 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 such constable, bailiff, or other person, is hereby authorised and empowered to take all necessary means and to demand all necessary aid, to enable him to execute such order.

Seizure may be effected by an order of a Judge or Justice of the Peace within the Province of Quebec.

21. If any injury is done to any of the docks, gates, basins, wharves or other erections or works, authorised to be constructed by this Act, by any vessel, or by carelessness or negligence of the crew thereof, while in the execution of their duty, or the orders of their superior officers, the Company may 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 to the satisfaction of the Judge or Justice of the Peace who shall have ordered the seizure by such 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 such master is hereby declared to be liable to the Company for any such injury.

Company may seize and detain vessels for injuries done to property or works of the Company.

22. 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 such tonnage duty, as from time to time shall be settled by agreement between the Harbour Commissioners and the Company, or in default thereof by the Governor-General in Council, and such

Harbour dues on vessels passing through the harbour into or from the docks of the Company.

tonnage duty, if fixed by the Governor in Council, shall be so fixed as to cover any deficiency of harbour revenues to be caused by the works of the Company, and otherwise to protect the interest of the Harbour Commissioners.

Penalty for obstructing or injuring the Company's works.

**23.** If any person shall, by any means, or any manner or way whatsoever, obstruct or interrupt the free use of the said canals, or the works incidental or relative thereto, or connected therewith, or do damage thereto, or to any of the docks, piers, wharves, warehouses, sheds, buildings, tracks, cranes, weighbeams, elevators, or other erections or works of the Company, such person 10 shall, for every such offence, incur a forfeiture or penalty of not less than five dollars nor exceeding fifty dollars.

Company to exhibit a list of tolls, &c.

**24.** The 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 setting forth all the tolls, rates, dues and charges 15 payable under this Act.

No work to be undertaken until plans shall have been approved by Governor in Council.

**25.** None of the said works can be undertaken until a plan or plans of such thereof as are proposed to be proceeded with, shewing the outline and extent thereof, shall have been approved of by the Governor General in Council, which approval may 20 take place before or after the subscription of the necessary capital, and the execution of the works so approved of shall be subject to such conditions and restrictions as the Governor General in Council may ordain. but such additions, deviations and alterations as may be found necessary may be made from time to 25 time, provided the same be first sanctioned by the Governor General in Council, and such sanction may be given before or after the deposit of the plans and book of reference for any of said works, and if given after such deposit, then the plan and book of reference, if need be, shall be altered and amended so 30 as to conform to the plans approved of by the Governor General in Council.

Capital stock.

**26.** The capital stock of the said Company shall be three million dollars, with power to increase the same, from time to time, to the amount of six million dollars, by a vote of not less than a 35 majority in value as well as in number of the shareholders, and shall be divided into shares of one hundred dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form, and subject to such conditions as to lien or otherwise as may, from time to time, be prescribed by the 40 By-laws of the Company.

Works not to be commenced until a certain proportion of stock shall have been subscribed for, and a certain amount paid thereon.

**27.** The construction of any or either of the said three divisions shall not be commenced until shares of the capital stock, to the extent of one million dollars, shall have been subscribed, nor until the sum of one hundred thousand dollars shall have 45 been paid thereon, and deposited by the Company in some chartered Bank in this Province; and a like amount will require to be subscribed, and a similar proportion thereon, paid for and in respect of each of the other two divisions before the work thereon can be commenced.



**28.** The business and affairs of the said Company shall be conducted and managed, and its powers exercised by a board of nine Directors, to be elected by the shareholders at the annual meeting of the Company; and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors shall be Frederick B. Mathews, John Crawford, Alexander Somerville, John S. Hall, Charles J. Brydges, Robert James Reekie, Alexander Cross, Joseph Lanouette, Daniel Hadly, Duncan J. Macdonald and Frederick Gerriken, who, or any five of whom, shall have power to open books of subscription for stock at such places as they may appoint, and to give due notice thereof.

Board of Directors.

**29.** So soon as the sum of two hundred thousand dollars of the said capital stock shall have been subscribed, and ten thousand dollars actually paid in thereupon, and deposited in some one of the chartered Banks in Montreal, it shall be lawful for the provisional Directors to call a meeting for the purpose of proceeding to the election of Directors of the said company, and such election shall then and there be made by the holders of the majority of shares voted upon at such meeting, and present thereat in person or by proxy, and the persons then and there chosen shall thereafter be the Directors, and shall be capable of serving until the election of Directors at or after the first annual meeting of the Company.

First meeting for the election of Directors.

**30.** An annual meeting of the shareholders of the company, for the transaction of the general business of the Company, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place, at the City of Montreal, and under such regulations with regard to notice as may be determined by the By-laws of the Company; and the holding of such other meetings as may be found necessary, or judged expedient, may also be provided for by such By-law.

Annual and other meetings of the Company.

**31.** Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy, such proxy being a shareholder, and having a written authority; provided always that no single shareholder shall be entitled to vote for any greater number of shares than one-tenth of the subscribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof.

One vote for each share.

Proviso.

Majority to decide.

**32.** The Company shall have a President and Vice-President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary, and may appoint such other officers and may employ such Agents and Managers as they may, from time to time, judge expedient, and may require such officers and Secretary, Agents and Managers, to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary and Officers, Agents and Managers, such salaries as may be agreed upon.

President, Vice-President and officers.

**33.** The Directors may make such calls upon the respective C<sup>o</sup>'s.

Forfeitures for non-payment.

shareholders in respect to the shares subscribed or held by them respectively, as they may, from time to time deem expedient, and may require the same to be paid with or without interest, and may impose penalties for failure of payment, not exceeding five per centum at any one time, on the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by By-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty, and such shares shall, upon such declaration, be and become forfeited in favor of the Company as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default, or the Directors may in their discretion, should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case, until the shares shall have been paid for in full.

What only need be alleged and proved in suits for calls.

**34.** In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter; but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrears on the call or calls made on such share or shares amount (together with interest and penalties, if any), and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

By-laws how made and for what purposes

**35.** The Directors may make By-laws, and may, from time to time, alter, repeal, amend, or wholly substitute others for the Government of the said Company, its affairs, business managers, agents, officers and servants, which By-laws shall be subject to approval or disallowance by the shareholders, and shall remain in force after their adoption by the Directors until approved of, altered, modified or disallowed by the shareholders at an annual meeting or any general meeting called for the consideration thereof, either solely or with other business, and said By-laws, besides containing provision for all matters hereinbefore referred to as the subject of such By-laws may subject to the special provisions of this Act provide for the following objects and purposes, viz:—

Directors.

1. To fix and determine the manner of filling up vacancies that may occur among the Directors prior to the annual election; the number of Directors which will constitute a quorum and generally the manner in which their powers shall be exercised.

Meetings.

2. The manner of calling meetings as well of the Directors, as of the shareholders, and fixing the time for the annual meetings.

3. The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared. Calls.
4. The keeping of registers and transfer books for shares, 5 prescribing the manner in which transfers shall be made, and the conditions in respect to the previous payments of calls or unpaid balance of the stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture 10 of shares for non-payment of anything due thereon or in respect thereof, or for any debt due by any stockholder in the Company. Registers of shares, transfers, &c.
5. The keeping of minutes of the proceedings and the accounts 15 of the said Company, and rectifying any errors which may be therein, the auditing of accounts and appointment of auditors. Minutes.
6. The declaration and payment of profits of the said Company and dividends in respect thereof. Dividends.
7. The qualification of Directors and their remuneration. Directors.
8. The borrowing or advancing of money for promoting the 20 purposes and interests of the Company, and the securities to be given by or to the said Company for the same, such borrowing not to exceed the limit hereinafter stated. Borrowing and lending.
9. The times and manner of proposing and voting for increasing the capital stock of the Company, the mode of taking subscription for, and allotting shares for such increase, and making 25 calls thereon and collecting the same. Increase of capital stock.
10. The government and regulation of said Docks, Piers, Wharves, Storehouses, Buildings, and other the said works, and the shipping, unshipping, storing, placing, and handling of merchandise, commodities, and effects thereon or therefrom. 30 Management of Company's property and business.
11. The good and orderly conduct, as well of the officers and servants of the Company, as of all persons using or coming within the limits of said works, or any of them. Conduct of officers and servants of Company.
12. The preventing of injuries to, or encroachments, trespasses, or incumbrances upon any of said works, and for the 35 removal therefrom of all obstructions and incumbrances. Preventing injuries to works.
13. The ordering and regulating, the anchoring, mooring, placing, moving, and fastening of all vessels in the said Docks, Canals, or works. Anchoring and mooring vessels in Company's dock.
- 40 14. Regulating the use of fire and lights on or within any of said works, or aboard of vessels coming within any of said works. Use of lights on vessels or works.
15. The collection of all dues, rates, commissions and penalties, which may be incurred or exacted under this Act or said By- Collection of dues, &c.

laws, where such collection is not otherwise specially provided for by this Act.

Imposing penalties.

16. The imposing of penalties for the infringement of any of the By-laws of the Company, to the amount not to exceed in any case the sum of fifty dollars. 5

Generally.

17. Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company, its shareholders, and Directors by this Act.

Copy of By-laws establishing tolls, &c., to be posted up.

36. A printed or written copy of so much of the By-laws as 10 affect any party other than members or servants of the Company, shall be affixed openly in the office of the Company, and in every place where dues, rates, or charges are to be collected, and the like shall be observed with regard to changes so often as they may be made. 15

Power to borrow money.

37. The Company are authorised to borrow money at any time to the amount and extent of one-half or fifty per cent. of their paid up capital, at such rate of interest as may be agreed upon.

Penalties, how levied.

38. All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursu- 20-  
ance thereof (of which By-laws, when produced, all Justices are hereby required to take notice), the levying and recovering of which fines and forfeitures 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 25-  
of the party or parties, or by the oath or affirmation of any credible witness (which oath or affirmation such Justice or Justices are hereby required to administer without fee or reward), be levied, with costs, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals, 30-  
of such Justice or Justices; and all such fines, forfeitures or penalties, by this Act imposed, or authorised to be imposed, the application whereof 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 undertaking, and the 35-  
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 returned to the owner of the goods so distrained and sold; for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall 40-  
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 and forfeitures, and all expenses attending the same, shall be sooner paid and satisfied. 45

Application of penalties.

39. The powers vested in the Company by this Act shall in no way interfere with the rights, privileges and advantages enjoyed and possessed by the Corporation of the Mayor, Aldermen and citizens of the City of Montreal, by and in virtue of any Act of the Legislature empowering them to borrow money 50

Statutory rights of the Corporation of the City of Montreal not to be interfered with.

and erect water-works; and no works shall be made or constructed by the said Company under this Act, the effect of which will be to injure, disturb, or in any way affect the purity or quality of the water supplied by the Montreal Water-Works, or which may, in any way, interfere with the good working of the said Water-Works, or obstruct in any way the tail-race entering the River St. Lawrence; and the Company shall be responsible for any damages to be suffered by the Corporation, by reason of any of the works made or constructed by the Company.

Works of the Company not to affect or interfere with the water works;

Company to be responsible.

40. Nothing in this Act shall give, or be constructed to give the Company the power of having possession of or of interfering with, or of exercising any control whatever over any lands belonging to Her Majesty, or any works or water powers under the control of the Dominion or of the Quebec Government, save as herein specially provided for.

Company to have no control over lands belonging to the Crown, &c.

41. Nothing in this Act contained shall relieve the Company from liability for any damage they may cause by back water or the overflow of lands, or the obstruction of drainage consequent on the construction of the works herein contemplated, but claims for such damages may be voluntarily waived or settled for by agreement.

Company liable for damages by back water, &c.

42. 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.

Limitation of time for recovery of damages against Company.

43. One of the said three divisions of said Works must be commenced within five years, and the whole of the said Works must be completed within ten years after the passing of this Act, failing which the powers hereby granted shall cease; nevertheless, if any one, or an effective part or parts of any one or more of said divisions shall have been made so complete as to admit of it, or their being practically useful although only for water powers, all the powers given by this Act, in so far as applicable, shall remain in force in regard to the same, and in such case either of said canals may terminate where found convenient.

Time for commencement and completion of works.

44. Her Majesty, Her Heirs and Successors may, at any time, assume the possession and property and works of the said Company, and the rights, privileges and advantages thereof, (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors,) 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 Minister of Public Works, another by the Company, and in case of disagreement, a third Arbitrator, to be chosen by the said two Arbitrators, a majority of whom to decide in such case; Provided that such value shall not be fixed at less than the capital stock, with interest from the time of investment thereof at eight per cent., after deduction of all dividend received. The said

Works of the Company may be assumed by the Crown.

Terms.

Proviso.

~~Or work may  
be assumed  
by Harbour  
Commission-  
ers.~~

Harbour Commissioners may likewise, at any time, with the sanction of Her Majesty, declared by the Minister of Public Works for the time being, assume the possession and ownership of such part of the said Works as may be located within the limits of the Harbour of Montreal, on the same terms as Her Majesty is authorized to acquire the whole of said Works, by an Arbitration similarly appointed and on like conditions. 5

~~Preliminary  
expenses.~~

45. The expenses incurred in and about obtaining the present Charter shall be a first charge and lien upon the subscribed stock of the said Company. 10