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3rd Session, 6th Parliament, 23rd Victoria, 1860.

BILL.

An Act to incorporate certain persons under the name of the "Terrebonne Navigation Company."

Received and read, 1st time, Friday, 30th
March, 1860.

2nd reading Tuesday, 3rd April 1860.

PRIVATE BILL.

The Hon. Sol. Gen. MORIN.

QUEBEC :

PRINTED BY THOMPSON, & CO., ST URSULE STREET.

An Act to incorporate certain persons under the name of "The Terrebonne Navigation Company."

WHEREAS Paul Eloy Marier, Germain Raby, Joseph Varin, John Atkinson, Joseph Lambert, Louis Adolphe Lesieur, Etienne Mathieu, Adolphe Cadieux, Ls. Normandin, Thomas Tiffin, L. H. Massue, J. N. Beaudry, Joseph Levy, Louis B. Voligny, have, by their petition, represented, that an association was formed in October, one thousand eight hundred and fifty, in the districts of Montrral, Terrebonne, Joliette and Richelieu, under the name and style of "The Terrebonne Navigation Company," in, and to which they with other persons, are stockholders and subscribers, with a view of promoting the public interest, by providing for the inhabitants of the shores of the St. Lawrence, between the villages of Terrebonne and L'Assomption and the City of Montreal, and the intermediate ports, and for the convenience of commerce and travellers generally, the advantage of steam navigation, and for the use of the wharves and landing places now or hereafter to be constructed by them, along the route taken by their steamboats; and for the purposes aforesaid, the said Company, besides the steamboat now owned by them called the "Terrebonne," now have in course of construction a steamboat to be called the _____ and which will be ready for service at the opening of the approaching season of navigation, between the ports hereinbefore mentioned; that the capital of the said Company is at present fourteen thousand four hundred dollars, divided into two hundred and eighty-eight shares of fifty dollars each, with power to increase the same to the sum of _____, in shares of the same amount, for the purchase or construction of new steamboats, and for the erection of such wharves and landing places, as the said Company may deem requisite, and for the greater accommodation of the inhabitants of the ports or places that may be touched at by the boats of the said Company; And whereas the said Company might be placed in a position obliging them to sue or be sued in the transaction of their business; And whereas the said Company has for its object the facilitating and promotion of the navigation of this Province, and with the view of attaining their purpose with greater facility, the said Company have prayed to be incorporated: Therefore, Her Majesty, enacts as follows:

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35 I. Paul Eloy Marier, Germain Raby, Joseph Varin, John Atkinson, Joseph Lambert, Louis Adolphe Lesieur, Etienne Mathieu, Adolphe Cadieux, Ls. Normandins, Thomas Tiffin, L. H. Massue, J. N. Beaudry, Joseph Levy, Louis B. Voligny, and all other persons who may now or hereafter become subscribers or stockholders in the said Company, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the Capital Stock of the said Company, and their executors, administrators, successors and assigns, shall be, and they are hereby constituted a body politic and cor-

Preamble.

Company
Constituted.

Corporate
Name.
and Powers.

porate, under the name and style of "The Terrebonne Navigation Company," and shall by that name have perpetual succession and a Common Seal, and by the same name be capable of suing and being sued in all Courts of Justice in this Province: The said Company shall be empowered, if they shall hereafter think proper so to do, to change the service of the ports mentioned in the preamble to this Act, and cause their steamboats to call at other ports, either solely, or at the same time as the others, upon the St. Lawrence and its tributaries, and whether Canadian or American ports: The said Company may make, establish and put into execution, alter or repeal all By-Laws, Rules, Ordinances and Regulations, the same not being contrary to the Laws of this Province, nor to the provisions of this Act, as may appear to them necessary and expedient for the management of the business of the said Company: All the moveable and immoveable property, rights and actions belonging to the said Terrebonne Navigation Company, shall be, and they are hereby transferred to the said Company, and from and after the passing of this Act, the said Company shall be the proprietor thereof, and of all other moveable property and effects which the said Company may hereafter acquire; and all the debts and obligations of the said Terrebonne Navigation Company shall be acquitted and performed by the said Corporation: Provided always, that no By-Law, Ordinance, Rule or Regulation shall be in force, until the same shall have been approved of by a majority of the Directors, hereinafter mentioned, or their successors, authorized to that effect, at the annual general meeting of the said Company.

Company
may acquire
Real Estate.

II. The said Corporation under the name of "The Terrebonne Navigation Company," may also acquire and hold real estate for the construction of wharves and the erection of warehouses and offices, and for such other purposes as the said Company may deem expedient, at the different ports and places at which the steamboats belonging to the said Company shall touch, and may, at any time sell, exchange and dispose of the same, and purchase other property for the same purposes; Provided always, that the said Company shall not, at any time, possess real estate, the total value of which shall exceed the sum of thousand dollars; and so soon as any lands shall have been designated or set apart, as necessary for the purposes mentioned in this Act, it shall, and may, be lawful for any body politic or corporate, and for all tutors and other administrators whatsoever, not only in their own names, or for their heirs, successors and assigns, but also in the names of those whom they represent, whether children, lunatics, idiots, women *sous puissance de mari*, and for any other persons who now are, or shall be seized in possession, or interested therein, to sell, and convey to the said Company, the said lands or any part thereof, which may be, from time to time, designated or set apart, as aforesaid; and all such contracts, agreements, sales and conveyances, shall be valid and effectual in law, to all intents and purposes whatsoever, any law, statute or custom to the contrary notwithstanding; and in any case in which a dispute may arise between the directors and any person whomsoever, touching any acquisition or sale, it shall be determined by three disinterested persons chosen, as hereinafter prescribed, that is to say, one person shall be chosen by such body, guardians, administrators, proprietors or occupants respectively of the lands, or the person or persons interested, who shall not agree with the said directors as regards the purchase money, or compensation to be paid to them or him respectively in conformity with the provisions of this Act, another arbitrator shall be chosen by the said directors, and the third shall be chosen by the said two persons appointed as aforesaid; and in case the said two arbitrators should not agree

In case of
differences as
to price.

within the ten days following their appointment, as to the choice of the said third arbitrator, in such case the said third arbitrator shall be appointed by a Judge of the Superior Court, on the application of either of the said two persons appointed as aforesaid, and the said
 5 three persons shall be arbitrators, to adjudge and determine the respective sums of money to be paid by the Company to the respective persons entitled to receive them, and the decision of the said three persons, or of any two of them shall be final, and the said arbitrators shall be,
 10 and they are hereby required to be present in the City of Montreal, within eight days after notice in writing to that effect shall have been given them by the Directors, then and there to adjudge and determine such matters and things as shall be submitted for their consideration, by the parties interested, and each of the said arbitrators shall be sworn by one of Her Majesty's Justices of the Peace, for one of the
 15 said Districts, (any one of whom may be required to attend at the said meeting for that purpose,) well and truly to value the said lands to the best of their judgment: and any decision given in virtue of this Act, shall be subject to be set aside, upon application to the Superior Court, in the same manner, and for the same reasons as in ordinary cases of
 20 submission by the parties, in which case the matter shall be referred back to the arbitrators, as hereinafter prescribed.

III. The superintendence, control and management of the affairs of the said Company, shall be vested in seven Directors, four of whom shall be a quorum, which said Directors shall be stockholders
 25 in the said Company, and shall be elected between the first and twentieth days of February in each year, upon the day and at the hour and place which shall be appointed by a majority of the Directors, and notice whereof shall be given in one or more newspapers published
 30 in the City of Montreal, at least ten days previous to the said election; and the said election shall be had and made by the Shareholders of the said Company present at the said meeting, and all elections of Directors shall be by ballot or by open vote as may be prescribed by the By-laws of the said Company; the Directors elected shall choose out of their number a President, and it shall be the duty of the said President to
 35 preside at all meetings of the Stockholders or Directors; the President may vote at all meetings of the Directors, and in case of an equal division of votes, he shall also have a casting vote; any vacancy among the Directors occasioned by death, resignation or absence from the Province, shall be filled by such person or persons as the remaining Direc-
 40 tors or a majority of them may appoint, and it shall be lawful for the Stockholders at any meeting specially called for that purpose, to remove all or any of the said Directors, and to appoint others in their stead, in the same manner as at the annual election of Directors is hereby provided for.

IV. Each Stockholder shall be entitled to one vote for each share which he, she or they shall have held in his, her or their name, at least one month previous to the time of voting; and all questions brought before the Stockholders at any general or special meeting, shall be decided by a majority of such votes given by the Stockholders then present, and in case of an equality of votes, by the casting vote of the
 50 President.

V. The President or any two or more Directors may at any time, and from time to time, call a meeting or meetings of the Stockholders, either for general or special purposes; and any six Stockholders may at any
 55 time call special meetings of the Company, upon giving at least ten

Election of
Directors.

Notice.

One vote for
each share.

Special General
Meetings.

days' notice by advertisement, in one or more newspapers published in the City of Montreal, or by sending a written or printed notice to each Stockholder, by post or otherwise; and every advertisement or notice calling a special meeting, shall specify distinctly the purpose or purposes for which such meeting is called, and no other matter or business shall be discussed, concluded upon or settled at such meeting. 5

In case of failure of any Election.

VI. If at any time it shall happen that an election of Directors shall not be made, when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in the same manner as the annual election of Directors is herein directed to be made. 10

Liability limited.

VII. The Stockholders shall not be liable as such beyond the amount of their stock or the amount which may be due by them thereon.

Yearly Dividends.

VIII. It shall be the duty of the Directors to make such yearly dividends of the profits of the said Company, as to them or a majority of them shall appear advisable; and an exact and particular statement shall be annually made of their affairs, debts, credits, profits and losses, such statement to appear on the books of the Company, and to be open to the perusal of any Stockholder, and a copy thereof, certified by the oath of the President or two of the Directors, shall be transmitted annually to the three branches of the Provincial Legislature, and any Judge, Commissioner or Justice of the Peace, is hereby authorised to administer the requisite oath 15 20

Shares to be Transferable.

IX. The shares of the said capital stock shall be transferable, and may from time to time be transferred by the respective holders and owners thereof, according to the form given in Schedule A hereunto annexed: Provided always, that the transferor shall always be held personally liable to the said Company for all or any part of the shares by him subscribed, and which shall be found to be due and owing by him at the time of such transfer. 25 30

Present Committee to continue Directors.

X. The present members of the Committee of the said Company and the President thereof, shall continue in office as Directors until the next annual and general meeting of all the Stockholders, and the Directors to be elected annually shall continue in office until the appointment of their successors, as provided by this Act. 35

Service of Process.

XI. Any service of process made at the office of the Company in the City of Montreal, (and in case the Company should have no such office, then upon the President of the Company,) shall be held and deemed to be good and sufficient service by all Courts of Justice in this Province. 40

Public Act.

XII. This Act shall be deemed to be a Public Act.

SCHEDULE A

Referred to in the following Act.

For value received from _____ of _____, I
(or we) do hereby assign and transfer to _____ of _____
shares (on each of which has been paid _____ pounds
shillings currency,) in the Capital Stock of the Terre-

