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No. 156.

2nd Session, 5th Parliament, 19 Victoria, 1856.

(PRIVATE BILL.)

BILL.

An Act for the Incorporation of the Saugeen
Harbor Company.

Received and read, first time, Friday, 4th
April, 1856.

Second reading, Monday, 7th April, 1856.

MR. CLARKE.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

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No. 156.]

BILL.

[1856.

An Act to improve the Navigation of Lake Huron by authorizing the construction of a Harbor of Refuge at Saugeen.

WHEREAS there is at present no Harbhour on the shore of Lake Huron, between Goderich and Cape Hurd, a distance of 130 miles. And whereas the Municipalities of Saugeen, Elfersic and Brant, in the County of Bruce, and others, have petitioned the Legislature, praying that an Act might be passed authorizing the construction of a Harbor at Saugeen by a Joint Stock Company; And whereas that in addition to the manifest improvement which would accrue to that part of the Province from carrying into effect the prayer of the above mentioned Petitioners, the construction of a safe and commodious Harbor of Refuge at or near the mouth of the River Saugeen is urgently required for the safety of the increasing number of vessels navigating Lake Huron: Therefore Her Majesty, &c., enacts as follows:

I. Alexander McNabb, Patrick John Hamilton, William Gowanlock, David Flemming, John Ewart, jr., Philip VanKoughnet, John Fischen, Duncan Macdonell, Marcus Rossin, James Michie, Samuel Zimmerman, John Ewing, John Byers, Mathew Rae, Angus Moore, Thomas Sharp, Donald Currie, John Stafford, John Belcher, John Eastwood, James Kelly, J. J. Lehnen, Steward Farey, George F. Burns, James F. Conaway, James Calder, Angus McSween, George Jardine, George Allan, John Spence, James Hogg and John McNabb, together with all such other persons or person as shall become subscribers to or shareholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of The Saugeen Harbor Company, and by this name, they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts or places whatsoever, in all manner of suits, actions, complaints, matters and causes whatsoever; and they and their successors shall and may have a common seal and alter the same at their will and pleasure; and also they and their successors, by the name of The Saugeen Harbor Company, shall be in law capable of purchasing, having and holding, to them and their successors, any estate real, personal or mixed, to and for the use of the said Company, and of letting, conveying and assuring, or otherwise departing therewith, for the benefit and on the account of the said Company, from time to time, as they shall deem necessary and expedient.

Corporate name and powers.

Company may hold property.

May erect
Harbor at
River Saugeen.

II. The said Company is herewith authorized and empowered at its own costs and charges to construct a Harbor at or near the mouth of the River Saugeen aforesaid, which shall be accessible to and fit, safe and commodious for the reception of all classes of vessels navigating the said lake; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever as shall be useful and proper for the protection of the said Harbor and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair and enlarge the same, as may be found expedient and necessary; Provided always, that the said Company shall, before any portion of the Harbor be commenced, first obtain the sanction and approval of the Government of this Province, through the Department of Public Works, to the plans of location of the Harbor and its general system of construction. 5 10

Proviso.

Company may
take possession
of vacant
Crown Lands.

III. The Directors of the said Company shall, and are hereby empowered to enter into and upon any vacant or unappropriated lands of the Crown, situate, lying or being in the County of Bruce and not exceeding in quantity six hundred acres; and in and upon such lands to dig, cut or lay, and also to use, work or manufacture any earth, stone, trees, timber, gravel or sand, or any other things which may be obtained thereon, and to let out and appropriate such parts thereof as they may require to take or use, or which may be proper or necessary for making, maintaining, altering or repairing the said works by this Act authorized to be constructed; Provided always, that it shall not be lawful for the said Company to retain in its possession, use and enjoyment, or to purchase, hold, take, receive, use or enjoy any such lands otherwise than those which may be sufficient for the erection of warehouses and storehouses, and for the repairing and using the works hereby authorized after the expiration of ten years from and after their completion; and provided also, that nothing in this Act contained shall prevent the said Company at any time under the seal of the said Company from granting, conveying and assuring; but it is hereby authorized to grant, convey and assure any such lands above mentioned not necessary to be retained after the works are completed. 15 20 25 30

Proviso.

Proviso.

On completion
of Harbor tolls
may be levied.

IV. As soon as the said Harbor shall be so far completed as to be capable of receiving and sheltering vessels, the said Company shall have full power and authority to ask for and demand, receive, recover and take as toll, to and for their own proper use and benefit and behoof, on all such goods, wares and merchandize shipped or landed in or out of any vessel or boat from or upon any part of the Lake Shore adjoining the River Saugeen, and within the distance of one mile on each side the mouth thereof, or of the piers of the said Harbor, and upon all vessels and boats entering the said Harbor, according to the rates which may be determined upon from time to time by the said Company; Provided always, that the Government of this Province shall from time to time, through the Board of Works, fix the maximum rate of toll to be taken, and that it shall not be lawful for the said Saugeen Harbor Company to take or charge any toll till the said Government as aforesaid shall have decided that the improvements made justify the levy of tolls by the Company. 35 40 45

Proviso.
Board of
Works to fix
rate of tolls.

Harbor and
buildings vested
in the said
Company.

V. The said Harbor, Moles, Piers, Wharves, buildings, erections and all materials, or vessels, which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on Goods, Wares and Merchandize, as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors for ever. 50

VI. If any person or persons shall neglect, or refuse to pay the tolls or dues to be collected under this Act, it shall or may be lawful for this Company, or their officer, clerk or servants duly appointed, to seize and detain the goods, vessels or boats, on which the same were due and payable, until such tolls are paid, and if the same shall be unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servants, as aforesaid, may sell and dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls, by public auction, giving ten days notice thereof, and to return the surplus, if any, to the owner or owners thereof.

Company may seize vessels, goods, &c., for refusal to pay tolls.

VII. The property affairs of the said Company shall be managed and conducted by nine Directors, one of whom shall be chosen Chairman who shall hold office for one year, which said Directors shall be Stock holders to at least twenty shares, being inhabitants of this Province, and to be elected on the second Friday in July, in every year, at Saugeen, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in the Canada Gazette or in one Newspaper at least that shall be published in the said County of Bruce, at least thirty days previous to the time of holding such election and the said election shall be held and made by such of the Stockholders to the said Company as shall attend for that purpose in their own proper persons, or by proxy given by written authority, and all elections for such Directors shall be by ballot, and the nine persons who shall have the greatest number of votes at any election, shall be Directors: and if it shall happen at any such election that two or more shall have an equal number of votes in such a manner that a greater number than nine shall appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such election, shall in like manner proceed to another Election, until it be ascertained which of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of nine, and the said Directors, so chosen, shall proceed in like manner to elect one of their number, by ballot, to be Chairman; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year, in which they may happen, by a person or persons, to be nominated by a majority of the Directors: Provided always, that the Directors so appointed, shall remain in office till the first meeting after their successors shall be so appointed.

Directors to be appointed.

Notice of Election to be published in newspaper.

Mode of Election.

Vacancies how to be filled. Provided.

VIII. Each stockholder shall be entitled to a number of votes proportionate to the number of shares which he or they shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say one vote for each and every share so held by him or her as above provided.

Proportion of votes to shares.

IX. Alexander McNabb, Patrick John Hamilton, William Gowanlock, David Flemming of Saugeen, John Ewart jr., Philip Vankoughnet, John Fiske, Duncan Macdonnell, Marcus Rossin, James Michie of Toronto and Samuel Zimmerman of Niagara Falls, Esquires, shall or may discharge the duties of Directors and shall continue in office till the first annual Election after the said parties agreed to act, and who, or those of them who agree to qualify themselves for the said office of Director, are hereby empowered to meet within sixty days after the passing of this Act, and elect from among themselves a Chairman, and appoint such other

Provisional Directors, to discharge duties till next annual meeting

- officers as may to them seem fit to carry out the objects of this Act, and at any meeting of Directors, five members thereof shall constitute a quorum. Provided always, that if shares to the amount of Five thousand pounds of the Capital Stock of the said Company shall not be taken, then the said Company shall not be held to be constituted till that amount of Stock shall have been taken up, and at least thirty days notice given in the Canada Gazette, or in one or more newspapers published in the said County 5
- Shares to be taken to amount of Five thousand pounds
- Capital Stock X The whole Capital Stock of the said Company inclusive of any real Estate, which the said Company may have or hold by virtue of this Act, shall not exceed the sum of Fifty thousand pounds to be held in two thousand shares of Twenty-five pounds each, and the shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same to any person or persons, and such transfer shall be entered and registered in a book or books kept for that purpose, by the said Company. Provided always, that two hundred and fifty shares shall, for sixty days after date of receiving applications for shares, be left open for acceptance in the name or on behalf of the Indians living on the north bank of the Sauguen River 10 15 20
- Shares
- Proviso
- Instalment of ten per cent. may be called for XI It shall and may be lawful for the provisional Directors hereinbefore named, to call upon the Stockholders of the said Company, by giving thirty days notice in the Canada Gazette, or in any newspaper which may be published in the said County, for an instalment of ten per centum, upon each share that they or any of them, may respectively subscribe, and the residue of the shares of the Stockholders shall be payable by instalments in such time and in such proportions as the majority of the Directors of the said Company at a meeting of the Directors expressly convened for that purpose shall agree upon, so as no such instalment shall exceed ten per centum, nor become payable in less than thirty days after public notice in the Canada Gazette or in any newspaper which may be published in the said County of Bruce: Provided always, that the Directors shall not commence the construction of the said Harbour till the first instalment be paid. 25 30
- Proviso
- Shares forfeited for non-payment of instalments XII. If any Stockholder as aforesaid shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and sum arising therefrom, together with the amount previously paid in shall be accounted for and applied in like manner as other monies of the said Company; Provided always, that the purchaser shall pay the said Company the amount of the instalments required over and above the purchase money of the share or shares so purchased by him as aforesaid, immediately after the sale and before he or they shall be entitled to the certificate of the transfer of the share or shares so purchased by him as aforesaid; Provided always, nevertheless, that thirty days notice of the sale of such forfeited stock shall be given in the Canada Gazette or in any newspaper which may be published in the said County of Bruce, and that the instalments due may be received in redemption of any such forfeited stock at any time before the day appointed for the sale thereof 35 40 45 50
- Proviso
- Proviso

XIII. It shall be the duty of the Directors to make annual dividends of so much of the profits as to them or the majority of them shall seem advisable and once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statements to appear on the books and to be open to the perusal of any Stockholder at his personal request.

Directors to
declare
Dividends.

XIV. It shall be lawful for the said Company from time to time, either in this Province or elsewhere, to borrow money in such sums as may be convenient for completing, maintaining or working the said Harbor, and at a rate of interest not exceeding six per cent. per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within the Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage or pledge the lands, titles, revenues and other property of the Company for the due payment of the said sums and the interest thereof, but no such debenture shall be for a less sum than twenty-five pounds; And the Directors of the said Company may confer upon the holders of any such bond, debenture or other security issued by the Company as aforesaid, the right to convert the principal due or owing thereon into stock of the said Company at any time not exceeding ten years from the date thereof, under such regulations and on such conditions as the said Directors may see fit to adopt or impose.

Company may
borrow money
&c.

XV. At any time after the completing and making the said Harbor, Her Majesty, Her Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company for the use of the Stockholders thereof the full amount of their respective shares or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbor, together with such other sums as will amount to twenty-five per centum upon the monies so advanced and paid as a full indemnification to such Company; And the said Harbor shall, from the time of such assumption aforesaid, belong and appertain to Her Majesty, Her Heirs and Successors, who shall, from thenceforth, be substituted in the place and stead of the said Company upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed of or respecting the same; Provided always, that it shall not be lawful for Her Majesty, Her Heirs and Successors at any time after the expiration of fifty years from the completion of the said Harbor with its appurtenances as aforesaid, unless it shall appear from the accounts of the said Company to be for the intent laid before the Legislature that the Stockholders of the said Company have received every year upon an average the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the concern or without the special consent of a majority of the stockholders of the said Company.

Her Majesty
may assume
possession of
works.

Proviso.

XVI. From and after the period when the possession of the right, interest and property in and to the said Harbor shall have been assumed by Her Majesty, Her Heirs and Successors as hereinbefore authorized, all tolls or profits arising therefrom shall be paid into the hands of Her Majesty's Receiver General to and for the public uses of this Province, at the disposition of the Legislature thereof, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty, Her Heirs and Suc-

On assuming
possession of
Harbor, Her
Majesty to
receive tolls.

cessors shall be graciously pleased to direct ; Provided always, that the said Harbor shall be commenced within two years and completed within ten years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.

Legislature may alter Act XVII. It shall remain in the power of the Legislature to make any alteration in the provisions of this Act or any addition thereto which may seem to them expedient. 5

Capital Stock may be increased. Proviso XVIII The Directors of the said Saugeen Harbor Company shall have power to increase the capital stock of the said Company when it may seem to them expedient to do so ; Provided always, that it shall not be lawful for the said Directors so to do until they shall have received the approval of a majority of the stockholders present at a meeting specially called for that purpose, which special meeting shall have been published in the Canada Gazette, or in one of the newspapers published in the said County of Bruce not less than thirty days prior to the date of such meeting as aforesaid. 10 15

Interpretation clause XIX. Where the word, person, is used in this Act, it shall be taken to mean, person or persons, male or female, corporation or corporations, bodies politic and municipalities, and that any corporation, body politic or municipality may become shareholders or stock holders in the said Company. 20

Public Act XX This Act shall be deemed a public Act.