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

BILL.

An Act to provide for the construction of a Ship Canal, to connect the waters of Lakes Huron and Superior.

Received and read, a first time, Monday, 11th October, 1852.

Second reading, Thursday, 21st October, 1852.

Hon. Mr. Robinson.

QUEBEO:

PERKTED BY JOHN LOVELL, MOUNTAIN STREET.

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BILL

An Act to authorize the construction of a Ship Canal to connect Lake Superior with Lake Huron.

HEREAS the improvement and advancement of the Province Preamble. generally will be greatly benefited by the construction of a Ship Canal, whereby shipping from the Lower Lakes may pass into Lake Superior; Be it therefore enacted, &c.,

That when any number of persons not less than twenty shall have subscribed a sufficient amount of Stock or sums of money as shall amount to a sum of money adequate in their judgment for the construction of the said work, and shall have executed an instrument according to the form Manuer of in the Schedule in this Act contained, and shall have registered the forming the 10 said instrument in the office of the registrar of the County of York, who Company.

is hereby required to receive and Register the same, and when it shall be shown to His Excellency, the Governor General of this Province, or

the person administering the Government of the same, that an amount equal to ten per cent upon one-fourth of the Capital Stock so subscribed 15 for has been paid in to the Treasurer of such intended Company, it shall and may be lawful for His Excellency the Governor General of this Province, or the person administering the Government of the same for the time being, by Proclamation in the Official Gazette, to empower and authorize such Company to assume the powers and privileges of a 20 Chartered Company, and such Company shall thenceforth become and be a Chartered and Incorporated Company by such name as shall be designated in the inststrument so to be registered as aforesaid, and by Their rights such name they and their successors shall and may have perpetual suc- and liabilities cession, and shall be capable both at law and in equity of suing and 25 being sued, of impleading and being impleaded, of answering and being

of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may and shall have a common seal and may change and alter the same at their will and pleasure, and also, that they 30 and their successors by the name so designated in the Schedule aforesaid, shall be in law capable of purchasing, having and holding to them and their successors any estate, real, personal or mixed to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company,

answered unto in all Courts and places whatsoever, and in all manner

35 from time to time as they shall deem necessary and expedient.

II. And be it enacted, That the said Company and their agents and May take servants and workmen, are hereby authorized and empowered to enter land and construct into and upon the lands and grounds of and belonging to Her Majesty works, &c. the Queen, Her heirs or successors, or to any other person or persons, 40 bodies politic or corporate, or to survey and take levels of the same or any part thereof as they shall deem necessary and proper for making the said Canal, and to take and appropriate, have and hold to and for the use of the said Company and their successors, lands sufficient for the

construction of the said Canal with its necessary locks, towpaths, basins, warehouses and other erections as may be required by the said Company for the purposes aforesaid, and to purchase the same to and for the use of the said Company, and the said Company are hereby empowered and authorized to make one or more reservoirs, feeders, tunnels 5

aqueducts and all such other matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving completing and using in the constructing and completing of the intended Canal, and also to bore, dig, cut, trench, remove, take and carry away earth, soil, clay, stones, rubbish, trees, beds of gravel or sand or any 10 other matter or thing which may be required in making such Canal, or in making any reservoir or reservoirs, feeders or aqueducts out of any lands and grounds of any person or persons, communities or bodies corporate or otherwise, and which may be proper, requisite or convenient for carrying on, continuing or repairing the said Canal or other of the said 15 works, or which may hinder, prevent or obstruct the making, completing, using or maintaining the same, and also to make, build, erect and set up, wharves, quays, landing places, and all other works, ways, roads and conveniences as the said Company shall think requisite, also from time to time to widen or enlarge the same, as well for the carrying or 20 conveying goods, commodities, timber or other things to and from the said Canal, as for the carrying or conveying of all manner of materials necessary for the making, erecting, furnishing, altering, repairing, extending levelling or enlarging the works of or belonging to the said Canal; Pro-

Proviso.

May use

water as

streams of

Feeders, &a.

Compensation to owners, and manner of awarding it.

otherwise depart with the same to the said Company, without a reasonable compensation therefor, and in case of any disagreement between the Company and the owner or owners, occupier or occupiers of such 30 lands or things as aforesaid, it shall and may be lawful for the Directors of the said Company to nominate and appoint an indifferent person, who together with one other person nominated and appointed by the party or parties so disagreeing, shall elect a third, which three shall be the arbitrators between the Company and party or parties so disagreeing, and the award of the majority of whom shall be final. 35 III. And be it enacted, That each share in such Company shall be five pounds, and shall be regarded as personal property, and shall be trans-

vided always, that nothing hereinbefore contained shall extend or be 25

construed to extend to compel the owner or owners of any lands or rights

to lands, timber, stones, earth or other matter or thing to sell, convey or

Shares.

ferable upon the books of the Company in such manner as shall be provided for by any By-law to be made by the Directors in that behalf.

General Meeting and Election of Directors.

IV. And be it enacted, That so soon as said Company shall, by 40 Proclamation, be declared to be a corporate body in accordance with this Act, it shall and may be lawful for any two or more of the holders of stock as subscribed for to call a General Meeting of the Subscribers, of which due notice of not less than fifteen days shall be given in the Official Gazette, of the time and place of such meeting, and it shall and may be 45 lawful for the holders of Shares in said Company to proceed to the election of seven Directors for the said Company, and such election shall then and there be made in the manner as hereinafter prescribed; and said Directors so elected as aforesaid shall hold their office until the first Monday in June following, unless a vacancy or vacancies in such Board 50 of Directors shall occur by the resignation or death of any Director or

Directors in which case the survivor or survivors, or a majority of them, may elect another or others to supply such vacancy so made as aforesaid.

V. And be it enacted, That the affairs of the said Company shall be Board of Di-5 managed and conducted by a Board of seven Directors who shall be rectors how Stockholders each to the amount of four shares. A General Meeting of their Presi-Stockholders for the election of Directors shall be holden on the first Monday dent and manin June, in each and every year, at such time of the day, and at such ner of Voting. place as the majority of the Directors for the time being shall have 10 appointed, and public notice of such time and place of meeting shall be

published in the Gazette at least fifteen days before the time of holding such meeting. The election of Directors shall be made by such of the Shareholders of the said Company as may attend for that purpose in their own proper persons or by proxy, and all elections of Directors shall be 15 by ballot, and the seven persons who shall receive the greatest number of votes at any such election shall be Directors, and the majority of Directors

shall elect some one of the Directors to be President, provided always such

- Director so elected as aforesaid be a natural born subject of Her Majesty, each Shareholder shall be entitled to a vote or votes proportionable to the 20 number of shares he, she, or they shall hold in his, her, or their name or names at the time of such election, and during the period of one month
 - previous; provided always no Shareholder shall vote upon more than twenty shares.
- VI. And be it enacted, That in case it should happen that an election Case of elec-25 of Directors shall not be made on any day when pursuant to this Act it tion not duly ought to have been made, the said Corporation shall not for that cause be held. deemed to be dissolved; and it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

30 VII. And be it enacted, That the Directors for the time being, or the Directors to majority of them shall have power to make such rules and regulations regulate and as to them shall appear proper, touching the management of the stock, govern Stock, and Serestate and effects of the said Corporation, and touching the duty and vanta. conduct of the officers, clerks and servants employed in the said Company,

- 25 and all such other matters as appertain to the management and regulation of the affairs and concerns of the said Company, and shall also have the power to appoint such and as many officers, clerks and servants for carrying on the business of the said Company, and with such salaries as to them shall seem meet.
- VIII. And be it enacted, That any Company to entitle themselves to To commence the benefit and advantage to them granted by this Act, shall, and they work in one are hereby required to commence the said intended work within one finish it in year from the time of their being entitled to claim corporate powers, and five years. to make and complete the said Canal, and other erections required for Size of 45 the navigation thereof, within five years from the date of such commence- Canal.

- ment; and said Canal shall be of sufficient dimensions to enable the largest class steamers to pass through from Lake Huron to Lake Superior, and in accordance with such plans and specifications as shall be approved of by the Government of this Province.
- IX. And be it enacted, That it shall and may be lawful for the Rates of Toll. President and Directors of the said Company to regulate from to time,

and establish the rates of toll payable by persons navigating upon the said Canal, and the said Company shall annually, if required, exhibit an account to either branch of the Legislature, of the tolls collected upon the Canal, and of the sums expended in keeping the same in repair, and also, of the goods, wares and merchandize transported on and along the same. 5

How collected and recoverable.

X. And be it enacted, That the several dues, tolls, rates, &c., so appointed to be taken as aforesaid, shall be paid to such person or persons at the said Canal or at such place or places near the said Canal, in such manner and under such regulations as the said Directors shall direct and appoint, and in case of denial or neglect of payment of any such 10 rates, tolls or dues, or any part thereof, on demand to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same as aforesaid, in any Court having jurisdiction thereof, or the person or persons to whom the said rates, tolls or dues ought to be paid may, and he is and they are empowered to seize and 15 detain such boat, vessel, barge or raft for or in respect whereof such rates, tolls or dues ought to be paid, and detain the same until payment thereof.

Wilful danuge to Canal and works.

XI. And be it enacted, That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break down, damage or destroy any bank, lock-gate, sluice, or any works, machine, 20 or device, to be erected or made by virtue of this Act, or do any other wilful hurt or mischief, to disturb or prevent the carrying into execution or completing, supporting or maintaining the said Canal or works hereinbefore referred to, every such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted, shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Prevince, or in mitil gation thereof, award such sentence as the law directs in cases of simpllarceny or a misdemeanor, as to such Court shall seem fitting.

How punished.

Obstructions.

XII. And be it enacted, That if any person or persons shall in any manner obstruct the passage of any other boat, vessel, or raft passing on or through the said Canal, and shall not immediately, upon due notice given to such person or persons obstructing the passage afores: id, remove the same, such person or persons shall forfeit and pay for every such 30 offence, the sum of five pounds, which forfeiture shall be paid to the said Company; and it shall and may be lawful for the agents or servants of the said Company to cause any boat, vessel or raft to be unloaded or removed, in such manner as shall be proper for preventing such obstruction in the navigation, and to detain and seize such boat, vessel or raft, 40 and the loading thereof, until the charges occasioned by such obstruction, unloading or removing, be paid.

To be removed.

Directors may increase Capital or borrow money.

XIII. And be it enacted, That if at any time, after the formation of any Company in manner aforesaid, the Directors shall be of opinion that the original capital subscribed will not be sufficient to complete the 45 work contemplated by such Company, it shall and may be lawful for the said Directors under a resolution to be passed by them for that purpose, either to borrow upon the security of the said Company, by bond, or mortgage of the Canal, and the tolls to be collected thereon, a sufficient sum of money to complete the same, or to authorize the subscription of 50

such number of additional shares as shall be named in the resolution, a copy whereof under the hand of the President and the seal of the Company, shall be by the register of the County annexed to the said original Registration instrument upon the same being delivered to him.

XIV. And be it enacted, That at any time after making and complet- Crown may ing the said Canal, Her Majesty, Her heirs and successors may assume take the Canal. the possession and property of the same, and of all and every of the works and dependencies thereto belonging, upon giving three months notice of the intention so to assume the possession thereof, and thereupon paying 10 to the said Company, for the use of the Stockholders thereof, the full amount of the actual outlay, in sums of money furnished and Conditions. advanced in making, completing, managing and continuing the said canal, together with such further sums as will amount to fifteen per cent. upon the monies so advanced or paid as aforesaid, as a full indemnification 15 to the said Company; Provided always, that it shall not be lawful for Her Proviso. Majesty, Her heirs and successors to assume the possession and property of the said Canal as aforesaid, unless it shall appear from the accounts of the said Company that the said Company has received upon an average of years a per centage exceeding twelve and one half per centum over and 20 above the expenses in making, completing, managing and continuing as aforesaid the said Canal.

SCHEDULE.

Be it remembered that on this day of in the year of our Lord one thousand eight hundred and fifty We the undersigned Stockholders met at in the County o in the Province of Canada, and resolved to form ourselves into a Company to be called (Here insert the Corporate name intended to be taken by the Company,) according to the provisions of a certain Act of the Parliament of this Province, intituled, "An Act &c., (Insert the title And we do hereby declare that the Capital Stock of the of this Act.) said Company shall be pounds, to be divided into shares at the price of five pounds each, and we the undersigned Stockholders do hereby agree to take and accept the number of shares set by us opposite to our respective signatures, and we do hereby agree to pay the calls thereon according to the provisions of the said Act, and of the Rules, Regulations, Resolutions, and By-laws of the said Company, to be made or passed in that behalf.

Name.

No. of Shares.

Amount.

Bzie