
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.

QUEBEC:

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(162)
BILL.

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

WHEREAS the improvement and advancement of the Province 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., Preamble.

5 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 in the Schedule in this Act contained, and shall have registered the said instrument in the office of the registrar of the County of York, who 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 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 Chartered Company, and such Company shall thenceforth become and be a Chartered and Incorporated Company by such name as shall be designated in the instrument so to be registered as aforesaid, and by such name they and their successors shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, of answering and being answered unto in all Courts and places whatsoever, and in all manner 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 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, from time to time as they shall deem necessary and expedient. Manner of forming the Company.
Their rights and liabilities

II. And be it enacted, That the said Company and their agents and servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to Her Majesty the Queen, Her heirs or successors, or to any other person or persons, 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 May take land and construct works, &c.

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 10 earth, soil, clay, stones, rubbish, trees, beds of gravel or sand or any 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; Provided 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 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

May use
streams of
water as
Feeders, &c.

Proviso.

Compensation
to owners, and
manner of
awarding it.

Shares.

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 transferable 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.

5 V. And be it enacted, That the affairs of the said Company shall be managed and conducted by a Board of seven Directors who shall be Stockholders each to the amount of four shares. A General Meeting of Stockholders for the election of Directors shall be holden on the first Monday in June, in each and every year, at such time of the day, and at such place as the majority of the Directors for the time being shall have 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 10 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 15 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.

Board of Directors how elected and their President and manner of Voting.

25 VI. And be it enacted, That in case it should happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be 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.

Case of election not duly held.

30 VII. And be it enacted, That the Directors for the time being, or the majority of them shall have power to make such rules and regulations as to them shall appear proper, touching the management of the stock, estate and effects of the said Corporation, and touching the duty and conduct of the officers, clerks and servants employed in the said Company, 35 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.

Directors to regulate and govern Stock, &c., and Servants.

40 VIII. And be it enacted, That any Company to entitle themselves to the benefit and advantage to them granted by this Act, shall, and they are hereby required to commence the said intended work within one year from the time of their being entitled to claim corporate powers, and to make and complete the said Canal, and other erections required for 45 the navigation thereof, within five years from the date of such commencement; 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.

To commence work in one year and finish it in five years. Size of Canal.

50 IX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company to regulate from to time, Rates of Toll.

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 recover-
able.

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 da-
mage 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 here- inbefore referred to, every such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons 25 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 Province, or in mitigation thereof, upward such sentence as the law directs in cases of simplarceny or a misdemeanor, as to such Court shall seem fitting. 30

How pun-
ished.

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 aforesaid, 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 re-
moved.

Directors may
increase Cap-
ital 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

