



No. 324.

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1st Session, 4th Parliament, 16 Victoria, 1853.

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**BILL.**

An Act to provide for the formation of  
Joint Stock Companies for the con-  
struction of Piers, Wharves and  
Harbors.

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Received and Read a first time, Tuesday, 29th  
March, 1853.

Second Reading, Thursday, 31st March, 1853.

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**Mr. STEVENSON.**

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QUEBEC:

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**An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves and Harbors.**

*(see also page 807.)*

**W**HEREAS it is expedient to provide for the construction of Piers and Wharves, and for dredging and deepening Harbors, to increase the safety of vessels and facilitate the operation of loading and unloading ; Be it therefore enacted, &c.,

Preamble.

- 5 That any number of persons not less than five, respectively, may form themselves into a Company for the purpose of constructing any Piers or Wharves, or for dredging or deepening or making any Harbor in Upper Canada ; Provided that before any Company to be formed under the provision of this Act shall proceed with their work,
- 10 it shall be necessary for them to obtain the consent of the Municipality within which such work is proposed to be made, which Municipality shall have the power to fix the limit and boundary of the proposed Harbor ; Provided secondly, that no Company so formed shall have power to take any private property without the consent
- 15 of the owner, or to take or interfere with any property belonging to the Crown, without the approval of the Governor in Council, nor shall any such Company obstruct any Harbor now in use, or interfere with any Company already chartered for the construction of a Harbor.
- 20 II. And be it enacted, That when a Company shall have been formed under the provisions of this Act, and a sufficient amount of Stock shall have been taken adequate, in their judgment, to complete the work, they shall execute an Instrument according to the Schedule to this Act contained, and register such Instrument with the
- 25 Registrar of the County in which such work shall be situated.

Five persons may form Company.

Proviso: consent of Municipalities to be first obtained.

Proviso: Company not to take private property without consent of owner.

Company to execute and register an Instrument in form of Schedule.

Company incorporated.

Corporate powers.

III. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall henceforth 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 equity of suing and being sued, of impleading and being impleaded, answering and being answered

unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change at their will and pleasure ; and that they and their successors, by 5 their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling and departing with, any lands tenements and hereditaments whatsoever, which may or have been thought to be useful and necessary for the purpose of such Corporation.

Five Directors  
to manage  
affairs of Com-  
pany, who  
shall be  
elected  
annually.

IV. And be it enacted, That the affairs, stock, property and 10 concerns of every such Company which shall or may be formed under the provisions of this Act, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every 15 year, according to the provisions of a By-law to be passed by the Directors for that purpose ; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, the qualification of voters and of candidates for the Direction, and any other matters, except the day of election, which the Directors may see to 20 be necessary to carry out the provisions of this Section of this Act ; which By-law shall be published in the newspaper, or one of the newspapers, nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks ; and the said Directors shall have full 25 power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish the said amended By-law in the manner above provided, and any majority of such Directors to be a *Quorum* for the transaction of business: Provided, how-  
ever, that if the annual Election of Directors for any Road Company, 30 shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall, in that case, continue to serve until another election of Directors shall be held, and such other election shall, in such case, be held at such time within one month 35 thereafter, as shall have been or shall be provided for by any By-law passed or to be passed by the Directors of such Company for that purpose.

Proviso.

Amount and  
value of  
Shares.

V. And be it enacted, That each share in every such Company shall be five pounds, and shall be regarded as personal property, and 40 shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

Company em-  
powered to  
sue for amount

VI. And be it enacted, That any such Company so to be incor- 45 porated as aforesaid, may, in any Court having jurisdiction in mat-

ters of simple contract, to the amount demanded, sue for, recover of calls of  
 or receive of or from any Stockholder in such Company, the amount of Stock.  
 of any call or calls of Stock which such Stockholder may neglect to pay,  
 after public notice thereof for two weeks, in the newspaper, or one  
 of the newspapers, published nearest the place where the Directors  
 5 of the said Company usually meet for conducting the business of the  
 said Company, or after a personal demand for payment shall have  
 been made from such defaulting Stockholder by the Treasurer of  
 such Company; and the oath of the said Treasurer shall be deemed  
 sufficient proof of the said notice or of such demand, a copy whereof  
 10 shall be fyled in the office of the Clerk of the Court where such trial  
 shall take place.

VII. And be it enacted, That it shall and may be lawful for the Company may  
 Directors of any such Company to elect one of their number to be the elect Presi-  
 President, and to nominate and appoint such and so many officers dent and  
 15 and servants as they shall deem necessary for performing the duties appoint  
 required of them by the said Company ; and in their discretion, to officers and  
 take security from them or any of them for the due performance of servants.  
 his or their duty, and that he or they shall duly account for all monies  
 coming into his hands to the use of any such Company.  
 20

VIII. And be it enacted, That if any vacancy or vacancies shall Vacancies  
 at any time happen amongst the Directors of any of the said Com- occurring,  
 panies during the current year of their appointment, by death, how to be  
 resignation or permanent residence without the County or Counties filled.  
 in which the work is situated, in respect of which such vacancy or  
 25 vacancies shall occur, or by any other cause, such vacancy or  
 vacancies shall be filled up for the remainder of the year in which  
 they may so happen, by a person or persons to be nominated by a  
 majority of the remaining Directors, unless otherwise provided by  
 some By-law or Regulation of the Company in which such vacancy  
 30 may occur.

IX. And be it enacted, That it shall be lawful for the President Tolls to be  
 and Directors of such Company, from time to time, to fix and regu- fixed by Pre-  
 late, from time to time, the tolls or wharfage to be received from all sident and  
 vessels entering such Harbor or lying at such Pier or Wharf, and Directors of  
 35 for loading and unloading all goods, wares or merchandize in such Company.  
 Harbor, as to them shall seem meet ; Provided they shall not, in  
 any case, exceed the amount hereinafter specified.

X. And be it enacted, That it shall be lawful for such Company Company may  
 or their Agent to detain any goods, wares or merchandize, or any detain goods  
 40 vessel, boat or craft until the legal toll or charges thereon shall be for tolls  
 paid. unpaid.

Municipalities  
may hold  
Stock.

XI. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with, and transfer Stock in any such Company, and from time to time to direct the Mayor, Reeve, Warden or other chief officer thereof, on behalf of such Municipality, to subscribe for such Stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such Stock, and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other chief officer shall, whether otherwise qualified or not, be deemed a Stockholder in the said Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that behalf by such Municipality by their By-laws or otherwise, but voting according to his discretion in cases not provided for by such Municipality ; and it shall be lawful for such Municipality to pay for or to pay all instalments upon the Stock they shall subscribe for, and require, out of any monies belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the monies arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated monies belonging to such Municipality may lawfully be applied.

Chief Officer  
to vote as  
Stockholder.

Company may  
sell Stock to  
Municipal  
authorities.

XII. And be it enacted, That it shall be lawful for any Company to be constructed under the authority of this Act, whenever they shall see fit, to sell to any Municipal authority representing the interests of the locality in which the work shall be situate, and for such Municipal authority to purchase the Stock of such Company at the value that may be agreed on between the said Company and the said Municipality, and to hold the same for the use and benefit of the said locality ; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have heretofore possessed and exercised ; Provided always, that it shall be lawful for any Municipality making, or desirous of making, any such purchase of any such work, to borrow money or raise the means of paying therefor by By-law to be passed under the provisions of the Act passed in the present Session, and intituled, "*An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.*"

Proviso.

Company to  
report to Mu-  
nicipality  
amount of  
moneys ex-  
pended and  
due, and to  
keep books of  
account.

XIII. And be it enacted, That it shall be the duty of the Directors of every Company incorporated under this Act, to report annually, at some time in the month of January in each year, to the Municipality within which such work shall be situated, under the oath of the Treasurer of such Company, the state and nature of their work, the amount of all money expended, the amount of their Capital

Stock, and how much paid in, the amount of dividends paid and the amount expended for repairs, and the amount of debts due by such Company; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, 5 receipts and disbursements of such Company, which shall be at all times open for the inspection of any person for that purpose appointed by the Municipality aforesaid.

XIV. And be it enacted, That it shall be lawful for any Com- Company em-  
pany formed under the authority of this Act, to borrow any sum of <sup>powered to</sup>  
15 money on the security of such work, not exceeding one-half the <sup>borrow</sup>  
value thereof. <sup>money.</sup>

XV. And be it enacted, That so soon as any such Pier, Wharf <sup>Tolls to be</sup>  
or Harbor shall be so far completed as to be capable of receiving and <sup>collected by</sup>  
sheltering vessels, and of safely loading and unloading the same, <sup>Company.</sup>  
15 such Company shall have power and authority to ask for, demand  
and receive, recover and take as toll or wharfage to and for their  
own use and benefit on all goods, wares and merchandize shipped  
on board or landed out of any vessel, boat or other craft from or upon  
any such Pier or Wharf within the bounds of every such Harbor,  
20 not exceeding the following: that is to say,

	£	s.	d.
Pot or Pearl Ashes,.....			per bl.
Pork, Whiskey, Beef, Salt, Lard or Butter, “			“
Flour, .....			“
Lard or Butter in kegs, .....			“
25 Grain of all kinds,.....			per bus.
Cattle or Horses, .....			each,
Calves, Sheep or Swine, .....			“
Merchandize, .....			per bl. bulk,
30 Sawed Lumber, board measure, .....			per 1,000 ft.,
Square or round Timber, .....			per 100 cubic ft.,
Pipe Staves, .....			per M,
West India do., .....			“ “
Boats under 12 tons, .....			“
“ over 12 tons and under 50 tons, .....			“
35 “ over 50 tons, .....			“

SCHEDULE.

Be it remembered, that on this                      day of                      in the  
year of our Lord one thousand eight hundred and  
(We, the undersigned Stockholders, met at                      in the                      )  
County of                      in the Province of Canada, and resolved to form

ourselves into a Company, to be called (*insert the 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 of this Act,*) for the purpose of constructing a Pier (or Piers,) Wharf (or Wharves,) and making (or dredging) a Harbor at (*name of the place.*) And we do hereby declare that the Capital Stock of the said Company shall be \_\_\_\_\_ pounds, to be divided into \_\_\_\_\_ Shares, at the price or sum 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 your respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules and Regulations, Resolutions and By-laws of the said Company to be made or passed in that behalf; and we do hereby nominate (*the names to be here inserted,*) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.