

No. 53.

4th Session, 8th Parliament, 29th Vic., 1865.

BILL.

An Act to amend the Act^s respecting the
Toronto and Georgian Bay Canal Com-
pany.

[No. 157 of 1865—1st Session.]

Mr. FERGUSON (S. Simcoe).

QUEBEC :

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An Act to amend the Act incorporating the Toronto and Georgian Bay Canal Company.

WHEREAS an Act was passed in the nineteenth and twentieth Preamble.
 years of Her Majesty's Reign, chaptered 118, whereby the
 Toronto and Georgian Bay Canal Company was incorporated,
 and Thomas Clarkson and twenty-seven others were constituted
 5 Provisional Directors thereof, And whereas, Francis H. Medcalf,
 A M. Smith, M P P, Thomas R. Ferguson, M P P., Frederic
 C Capreol and Henry Fowler, have, by petition, represented
 that of the persons so incorporated and constituted Provisional Di-
 rectors, some have since deceased, others have departed and
 10 removed their residence out of this Province, others of them
 have, from various causes, become unable to act as such Provisional
 Directors, and the remainder of them, or a majority of them, are
 desous of being relieved from their office as such Provisional Directors ;
 And whereas the said Francis H. Medcalf, A. M. Smith, M P P.,
 15 Thomas R. Ferguson, M P P, Frederic C. Capreol and Henry Fowler
 have, by their said petition, also prayed that amendments may be
 made to the said Act of Incorporation, by which they may be
 appointed and constituted Provisional Directors for the purpose of
 carrying into effect the provisions of the said Act, in the room and
 20 stead of the persons named therein, and have and enjoy all the rights
 and powers conferred upon the Provisional Directors appointed by the
 said Act; And whereas the accomplishment of the object contemplated
 by the Company is of the utmost importance to the commercial and
 genical interests of this Province at large, and it is expedient that the
 25 prayer of the petitioners be granted ; Therefore, Her Majesty, by and
 with the advice and consent of the Legislative Council and Assembly
 of Canada, enacts as follows

1 So much of the said Act nineteenth and twentieth Victoria. Chap-
 ter one hundred and eighteen, as may be inconsistent with or repug-
 30 nant to the provisions of this Act shall be and is hereby repealed.

2 The said Francis H. Medcalf, A. M. Smith M P P., Thomas
 R. Ferguson, M P P, Frederic C. Capreol, W D Ardagh, William
 McClain, Wilson Stoddart, Angus Morrison, M P P., and Henry Fowler, Certain per-
 shall be and are hereby appointed Provisional Directors of the Toronto sons appoint-
 35 and Georgian Bay Canal Company incorporated by the Act above cited ed Provisional-
 in the place and stead of the persons appointed by the twentieth section at Directors,
 of the said Act, to manage the affairs of the Company and generally to
 perform all the duties and to be invested with all the powers set forth in
 the said section conferred thereby upon the Provisional Directors therein
 40 mentioned, and to hold office until an election of Directors shall
 be made, as hereinafter provided, and it shall and may be lawful for
 them, the said Provisional Directors, to resign their office as such

Provisional Directors, or to add to their number by the choice or appointment of another or other Provisional Director or Directors to co-operate with, and assist them, in the management of the affairs of the said Company

Extent of land to be purchased by the Company limited **3** The number of acres of land which the said Company shall at any time hold by purchase shall not exceed five hundred thousand acres, exclusive of such land as may be granted to them by the Government. And the Governor in Council may grant to the said Company any waste or marsh lands along the line of the proposed Canal or elsewhere that he may think fit to grant 10

Capital Stock may be increased. **4.** The capital stock of the said Company may be extended to ten millions of pounds currency or forty millions of dollars, and the books of subscription therefor may be opened at such places in this Province or in Great Britain, and at such time after the passing of this Act as the Provisional Directors herein named shall appoint, and all persons (subjects of Her Majesty or others) may subscribe for any number of shares within the amount of the said capital stock. 15

Election of Directors. **5** So soon as one million pounds of the said capital stock shall have been subscribed, it shall and may be lawful for the subscribers thereof, or a majority of them, to call a meeting of such subscribers for the purpose of electing five Directors, who shall constitute a board to manage the affairs of the said Company, and at such meeting and all meetings of the Shareholders, every subscriber for shares shall have a number of votes corresponding to the number of his or her shares, that is to say: one vote for every share so held by him or her. 25

Rates of toll **6** The Directors of the said Company shall and may establish and regulate, from time to time, such rates of toll as shall be paid in respect of all ships, boats, barges, rafts, timber, vessels and other craft using the navigation of the proposed Canal, or any part thereof, and in respect of all the cargoes or loading of the same, and shall annually, if required, exhibit to either branch of the Legislature an account of the tolls collected upon the said navigation, and of the sums expended in keeping the same in repair, and also of the goods, wares and merchandise of every description transported upon the same; Provided always, that if, at any time, after the expiration of three years from the time of the opening of the said navigation, the Legislature shall deem the tolls thereon to be excessive, it shall be lawful for them to reduce the same to such standard as they may think just; Provided always, that the same shall not be reduced so as to produce less than ten pounds per centum on the capital actually expended upon the said navigation or canal 30

Case of refusal to pay toll **7** In case of neglect or refusal to pay any toll or dues on the value of any damage done to any part of the said navigation or canal by any vessel or craft using the same, the officer or officers appointed by the Company for the collection of the same, shall have power to sue for and recover the same in his or their own name, in any Court of competent jurisdiction, and may seize and retain all such vessels or craft, or their cargoes, or any portion thereof, and hold and retain the same until all lawful tolls, dues, rates and damages which ought to be paid in respect thereof, have been fully paid and satisfied. 50

8. All persons whomsoever shall have full liberty to use the said Canal and the rivers and lakes forming portions thereof, with any ships, boats, schooners, rafts, vessels or craft suitable for the navigation thereof; also to use the towing-paths thereof with horses for drawing and hauling such ships, boats, vessels or craft, upon the payment of such rates and dues as shall be established by the said Company as aforesaid. Who may use the Canal.

9. The said rates, tolls and dues shall be paid to such person or persons, and at such place or places, near to the said Canal, in such manner and under such regulations as by the by-laws of the said Company shall be directed, and in case of neglect or refusal to pay the same, or any part thereof, to the person or persons authorized to receive the same, the said Company may sue for and recover the same in any Court of competent jurisdiction; and may also seize and retain all such ships, boats, vessels, rafts or craft, or the cargoes thereof, or any part thereof, in respect of which the said rates, tolls or dues shall be imposed and detain the same until payment thereof. Where and to whom tolls shall be paid.

10. The time limited for the completion of the work of the proposed Canal shall be and hereby is extended to ten years from and after the date of the passing of this Act. Time for completion of the work.

11. This Act shall be deemed a Public Act.

Public Act.