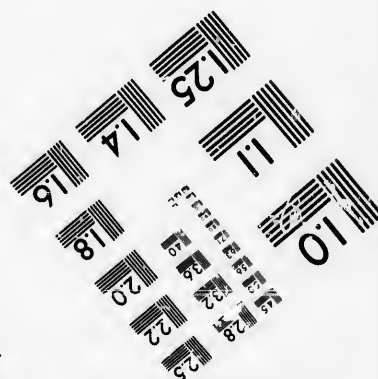
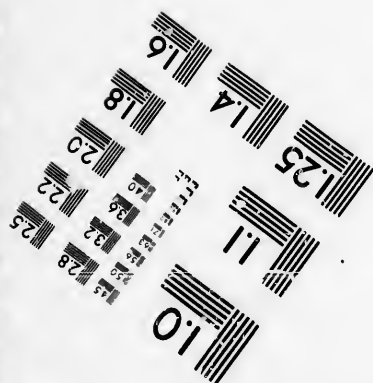
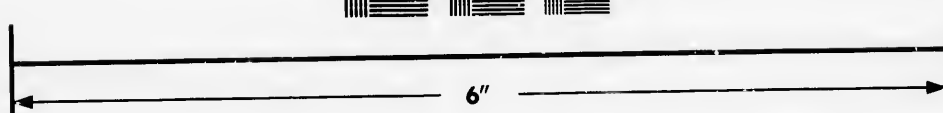
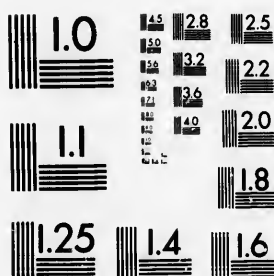


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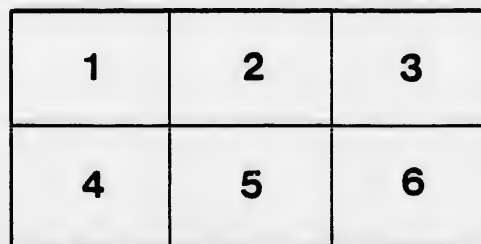
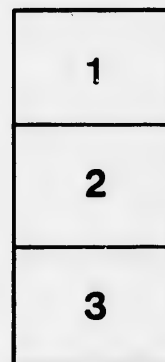
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PROSPECTUS
AND
ACT OF INCORPORATION
OF THE GENERAL
DRAINAGE & LAND IMPROVEMENT COMPANY
OF UPPER CANADA,

SHEWING

The Objects of the Company, and the Powers Conferred upon it

BY THE LEGISLATURE.

OFFICES OF THE COMPANY:

No. 4, GORE-STREET, HAMILTON.

PRINTED AT THE SPECTATOR OFFICE, COURT-HOUSE SQUARE.

1855.

THE UNIVERSITY OF CHICAGO

IN THE DEPARTMENT OF CHEMISTRY

BY JAMES H. HARRIS

PH.D. DISSERTATION

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy

1955

CHICAGO, ILLINOIS

UNIVERSITY OF CHICAGO PRESS

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THE GENERAL

Drainage and Land Improvement Company

OF UPPER CANADA.

CAPITAL, £100,000 in 10,000 Shares of £10 each, with power to increase to £250,000.

FIRST INSTALMENT, 10 PER CENT.

FIRST BOARD OF DIRECTORS NAMED IN THE ACT.

The Hon. Sir ALLAN MACNAB, M.P.P., Minister of Agriculture, *President*.
SAMUEL BLACK FREEMAN, Esq., M.P.P., Hamilton.
E. CARTWRIGHT THOMAS, Esq., Hamilton, Sheriff of Wentworth.
GEORGE BUCKLAND, Esq., Toronto, Sec. of the Board of Agriculture.
R. L. DENISON, Esq., Toronto, Treasurer of the Board of Agriculture.
J. B. MARKS, Esq., Kingston.
HUGH C. BAKER, Esq., F.I.A., Hamilton, Pres. Canada Fire & Life Ins. Co.
JASPER T. GILKISON, Esq., Hamilton.
The Hon. ADAM FURGUSSON, Woodhill.
JAS. S. WETENHALL, Esq., Hamilton, Sec. to County Agricultural Ass'n.
W. L. DISTIN, Esq., Galt.

Bankers.

THE BANK OF UPPER CANADA AND BRANCHES.

Solicitors.

MESSRS. BURTON & SADLIER, Hamilton.

Engineer in Chief.

MR. JOHN H. CHARNOCK, Sanitary & Agricultural Engineer;

A Member of the Royal Agricultural Society of England; A Commissioner under the English Drainage Acts, and Patentee of the first Drain & Sewerage Pipe Machine, established in Canada; assisted by such Local Engineers and Provincial Surveyors as from time to time it may be necessary to engage.

Secretary.

MR. STEPHEN ROBERT CATTLEY, Offices, 4, Gore Street, Hamilton.

1855.

NOTICE.

General Drainage and Land Improvement Company of Upper Canada.

AT a MEETING of the FIRST BOARD OF DIRECTORS named in the Act of Incorporation of the Company, held at Norton's Hotel, in the City of Hamilton, this 18th day of June, 1855.

W. L. DISTIN, Esq., *in the Chair*,

Moved by S. B. FREEMAN, Esq., M.P.P., seconded by J. S. WETENHALL, Esq.,
and Resolved—

"That, in accordance with the provisions of the Act, Stock Books be forthwith opened for the subscription of parties desirous of becoming Shareholders in the said Company, and that the said Stock Books lay and remain open for Subscribers at the Offices of the Company, No. 4, Gore Street, Hamilton, and at the Bank of Upper Canada, in Toronto, and at the Branches and Agencies of the said Bank, throughout the Province, until the 1st of August next."

By Order,

S. R. CATTLEY,

HAMILTON, June 18, 1855.

Secretary.

PROSPECTUS.

THE GENERAL DRAINAGE AND LAND IMPROVEMENT COMPANY OF UPPER CANADA.

THIS COMPANY is established for the purpose of executing all works of Drainage, Sewerage, Water Supply, Sewage Application, Irrigation, and General Land and Town Improvement, in accordance with the most approved systems of the day.

The eminent success which has attended the operations of the English Drainage Companies, not only as a profitable investment for Capital, but as a means of enabling Owners of land and Municipal Authorities to carry out those more perfect and systematic improvements which were so essential to their interests and well-being, must convince all who are cognizant of the benefits to result from such works that equal if not greater advantages may be secured by adopting similar means in this Province; where, in almost every other branch of industry, Joint Stock Capital is already effectively applied.

A great proportion of the population direct their attention to the acquirement and cultivation of land; and as most farms would be benefitted by a judicious course of Drainage, and other works of a permanent character, the instrumentality of the Company, having all appliances at command for speedily and effectually putting lands into a state for profitable occupation, must be greatly to the advantage of the Owners of property, and, at the same time, afford a fitting remuneration for the capital embarked.

To illustrate the manner in which the Company will conduct business:—When an Owner of land makes an application for Drainage, or other work to be effected, an inspection of the property will ensue, and, upon the application being accepted, an estimate of the entire work, with detailed plans, will be prepared, which

receiving the approval of the Owner, a contract will be entered into; the Company engaging to do the work, and the Owner binding himself to repay the amount of the contract by instalments at such dates as may be convenient; in no case to extend beyond twenty years. The preliminary expenses to be paid by the Proprietor, or added to the cost of the work.

In undertaking works of Sewerage, Water Supply, Sewage Application, and other sanitary operations with City and Town Authorities, much the same course will be pursued; and since the undertakings of this nature, now in progress, are all being done on the principle of the gradual extinction of the cost, there will be a community of action and interests between the Company and Municipalities, which will afford to the public not only an assurance of the work being executed in the most effectual manner, but of their being earlier placed in possession of the benefits to result from it; for the best interests of the Company will be involved in executing all their contracts with as little delay as possible, and in a manner to secure public confidence.

With regard to the profits which may be anticipated from these operations, it must be borne in mind that the objects of the Company are two-fold;—to serve the interests of the community by the introduction and extension of modern approved practice, throughout the Province; and (in so doing) to realize for the Shareholders such an equitable return for the capital embarked as shall satisfy their just expectations, and give stability to the undertaking in the minds of all.

The Company are in a position to command the services of an efficient staff of officers and workmen; and also to avail themselves of all the mechanical appliances of the day for their operations, such as Portable Steam Engines, Drain and Sewer Pipe Machines, Drain Cutting Tools, &c. &c.; to say nothing of having all their operations conducted in strict unison with a well-considered and organized system.

That the Company may the more effectually carry out their design, and occupy a position befitting the high destiny which the right execution of their great task will accord them, the Legislature has by a Special Act of Incorporation, conferred upon them suitable powers and provisions. Amongst these may be mentioned,

not only the power to execute all ordinary works for the improvement of land, such as clearing, draining, and fencing, but also the establishing of Tileries, the erection of suitable Houses, and Farm Homesteads, and the irrigation of water-meadows; and also the power to execute all works of Sanitary Improvement in Cities, Towns and Villages, such as Sewerage, Water Supply, Sewage Application, &c.

Powers are also given to hold, improve, and re-sell land; and to possess and dispose of all such personal property as may be needful for, and comport with their operations. And further the power to issue Debentures, in sterling or currency, bearing interest at 6 per cent., and payable either in Canada or elsewhere, at such times respectively as may correspond with the periods over which their charges for works extend.

Looking at the present encouraging condition of the Landed Interest, with the prospect of remunerative prices which the events of the day hold out; and considering also the rapidly increasing numbers of town population, and the consequent imperative necessity for Sanitary Operations, it may be safely affirmed, that at no former period in the history of the Country, was there so opportune a moment for the establishment of such a Company. The facilities of Railroad communication already secured, will, with their further developement, afford to the Company a ready and expeditious opening for their operations; and which must in their turn bring increased traffic to the Railways of the Province.

The Company have had the opportunity of securing the services of an Engineer, whose experience in such works, and intimate acquaintance with all the approved systems of the day as now practised in England, warrant them in believing that their works will be conducted in a manner to ensure general satisfaction. They have also by this appointment secured the advantage of using his patented machines for moulding all descriptions of Drainage and Sewerage Pipes, Perforated Bricks, &c., throughout the Province, on reasonable terms, which will at once place the Company in a position to commence profitable operations.

As respects the cost of Drainage conducted on the modern system, it may be desirable for the information of the Agricultural Interest, to append a statement of the cost in the United Kingdom

of such efficient and durable work, as it is the purpose of the Company to introduce throughout the Province :

Distance Between the Drains in feet	Yards of Drains per Acre.	Cost of Cutting and Filling the Drains.			Number and Cost of Pipes per Acre, at 9s. per 1000 feet.			TOTAL COST.			
		£	s.	D.	£	s.	D.	£	s.	D.	
21	693	3	10	0	2100	2	3	0	5	13	6
24	605	3	0	0	1900	1	18	0	4	18	0
27	540	2	15	0	1700	1	14	0	4	9	0
30	484	2	5	0	1500	1	10	0	3	15	0
33	440	2	0	0	1350	1	7	6	3	7	6
36	404	1	18	0	1250	1	6	0	3	3	0
42	347	1	16	0	1050	1	1	6	2	17	6
48	303	1	15	0	950	1	0	0	2	15	0
50	292	1	13	0	900	0	19	0	2	12	0
60	242	1	10	0	750	0	15	6	2	5	6
Average.....									3	11	7
Add for outfalls, Main Drains, Laying the Pipes, Engi- neering, &c., per Acre.....									0	10	0
Making the Average Cost Per Acre									4	1	7

Of course, at the commencement, it can hardly be expected but that this average may be somewhat exceeded in Canada; but considering the readiness with which mechanical appliances are adopted, and that the generality of the soil and climate present features favourable for economising the operation, it is confidently believed that the average cost will not much, if at all exceed the English amount, in currency about £5 per acre.

The Calls upon the Shareholders will be made with a due regard to their convenience, and in such instalments as the progressive applications for the services of the Company may warrant; no call to exceed 10 per cent., and none to be made with a shorter notice for payment than two months.

Offices of the Company, No. 4, Gore-Street,
Hamilton, June 18th, 1855.

AN ACT

To Incorporate the General Drainage and Land Improvement Company of Canada.

WHEREAS land is capable of being greatly increased in productiveness and value by works of Drainage and other permanent improvements; and whereas the sanitary condition of Cities, Towns, and Villages is greatly advanced by Sewerage, Water Supply, and other operations; and whereas the more general extension of such works tends to prevent and remove epidemic and other diseases, and to improve the public health, and it is therefore expedient to encourage and facilitate such operations by all fitting means, and particularly by the application of joint stock capital and collective enterprise; and whereas the provisions of the Act passed in the session of the 13th and 14th years of Her Majesty's reign, intituled, "An Act to provide for the formation of Joint Stock Companies for Manufacturing, Mining, Mechanical and Chemical purposes;" and also of the Act passed in the sixteenth year of Her Majesty's reign, to amend the same, are of limited application and insufficient for the several operations herein contemplated: Be it therefore enacted, &c., as follows:

I. From and after the passing of this Act, the following parties—Sir Allan N. MacNab, M. P. P., of Dundurn; the Honorable William Cayley, M. P. P., of Toronto; S. B. Freeman, M.P.P., of Hamilton; Sir Edward Poore, Baronet, of Cobourg; E. Cartwright Thomas, Esq., of Hamilton; Charles P. Treadwell, Esq., of L'Orignal, President of the Board of Agriculture; Geo. Buckland, Esq., of Toronto, Secretary of the Board of Agriculture; R. L. Denison, Esq., of Toronto; J. B. Marks, Esq., of Kingston; Thos. C. Street, Esq., M. P. P., of Niagara; Hugh C. Baker, Esq., of Hamilton; J. T. Gilkison, Esq., of Hamilton; William Matthie, Esq., of Kingston; Honorable Adam Fergusson, of Woodhill; George B. Alexander, Esq., of Woodstock; William Balkwell,

Esq., of London ; William Niles, Esq., M.P.P., of London ; E. M. Simons, Esq., of Hamilton ; J. S. Wetenhall, Esq., of Hamilton, Secretary of the County Agricultural Association ; J. B. Asken, Esq., President of Agricultural Society of Middlesex ; John Harland, Esq., of Guelph ; S. C. Ruttan, Esq., of Cobourg ; David Christie, Esq., of Brantford ; W. L. Distin, Esq., of Hamilton ; and such other persons as shall become shareholders in the undertaking hereinafter mentioned, and their successors in perpetuity, shall be and are hereby constituted and incorporated a Joint Stock Company, under the style and title of "The General Drainage and Land Improvement Company of Upper Canada," for the purpose of undertaking and executing, within the limits of Upper or Western Canada, all such works of draining, irrigation, clearing, fencing, building, road making, and other permanent improvements of lands as well as all works of Sewerage, Water Supply, Sewage Application, and other sanitary operations, as they shall be called upon to undertake by the Owners of land, or the Municipal Authorities of Counties, Townships, Cities, Towns or Villages, or other persons or Bodies Corporate.

II. The Capital of the said incorporated Company shall be £100,000, divided into 10,000 shares of £10 each, with power from time to time, at the discretion of the Directors, to increase the said capital to £250,000 by an issue of £15,000 additional shares of £10 each, either at par value or at such premium as the Directors shall think proper.

III. The affairs of the said Company shall be managed by a Board of eleven Directors, any six of whom shall be a quorum, and the following shall be a first Board, namely, Sir Allan N. MacNab, the Hon. Adam Fergusson, Samuel Black Freeman, George Buckland, Hugh Cosart Baker, Jasper T. Gilkison, James S. Wetenhall, Edward Cartwright Thomas, R. L. Denison, John B. Marks, and William L. Distin, who shall hold their office until others shall, under the provisions of this Act, be elected by the shareholders, with power to open Stock Books and call a meeting of stockholders, as hereinafter is provided.

IV. The said Directors are hereby empowered to take all necessary measures for opening the Stock Books for the subscription of parties desirous to become shareholders in the said Company,

and to determine and allot to parties subscribing for stock in the said Company.

V. When and so soon as 2500 shares of the said capital stock shall have been subscribed, and 10 per cent. paid in thereon, it shall be lawful for the said Directors, or a majority of them, to call a meeting of the holders of such shares at such place and time as they shall think proper, giving at least fifteen days public notice of the same, in one or more newspapers published in the city of Hamilton, and the *Canada Gazette*, at which meeting, and at the annual general meeting in the following section mentioned, the shareholders present, either in person or by proxy, shall proceed to elect eleven Directors in manner hereinafter mentioned, which said eleven Directors shall hold office until the first Monday of June following.

VI. That on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day or place as shall be appointed by any By-law, there shall be chosen by the shareholders eleven Directors, and public notice thereof shall be published one month before the day of election in the *Canada Gazette*, and one or more such newspapers as aforesaid; and all elections for such Directors shall be by ballot, and the persons who shall have the greatest number of votes at any such election shall be the Directors, and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes, until a choice is made: Provided always, that no one holding less than thirty shares shall be qualified to be a Director.

VII. It shall be lawful for the Directors to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the Company, in such proportions as they may see fit, so as no such instalments shall exceed 10 per cent., giving one month's notice of each call in such manner as they shall appoint.

VIII. The several clauses of the Railway Clauses Consolidation Act, with respect to Directors, their election and duties, shares and their transfer and shareholders, shall be incorporated with this Act, and shall apply thereto, and the undertaking herein mentioned, and in such and the same manner as if the same had been herein

re-enacted, and shall be included by the expression "this Act," whenever used herein.

IX. The said Directors shall appoint a Chairman and Deputy Chairman from their own body, and also a Secretary, an Engineer in Chief, and such other officers as from time to time may be requisite, and shall make such By-laws as they shall deem proper for the management of the stock and affairs of the Company, for prescribing the duties of their officers, and other matters connected with the proper management of the business and affairs of the Company, and copies of such By-laws, certified by the Secretary of the Company and under its Corporate Seal, shall be *prima facie* evidence of such By-laws in all courts of law and equity in the Province.

X. In pursuance of the authority herein given, the Company shall have all power, liberty and license to contract for, execute and perform all works of trunk, arterial, surface and subsoil drainage; of sewerage, water supply, the collection and distribution of sewerage and other refuse in Counties, Townships, Cities, Towns, and Villages, the clearing, reclaiming, fencing, grading, and irrigating of land; and for such purpose to construct, erect, work, and maintain all houses, homesteads, tileries, kilns, steam engines, water wheels, embankments, sluices, reservoirs and roads, and to do and perform all and singular such other works and things not herein enumerated as may be needful or convenient for properly and effectually carrying out all or any of the operations hereby authorised to be done.

XI. When Owners of land or the Authorities of Counties, Cities, Towns, and Villages, shall desire to avail themselves of the powers of the Company for the execution of all or any of the works herein authorised to be done, the Company shall, on application from such Owners or Authorities, proceed to make an inspection of the lands or other places, and to prepare plans, specifications, and estimates of the works to be done, and shall submit the same to such Owners or Authorities for their approval and concurrence, when a contract shall be entered into for the due performance of the work, which shall be binding on all parties. The Company may require from such Owners or Authorities, security for payment to the Company, of such sum for preliminary expenses, as shall defray the actual cost thereof if no contract for work is entered into;

but if a contract be concluded between the parties, these expenses shall be included in the amount of the contract.

XII. In all operations undertaken by the Company, it shall be lawful at the option of the Owners or Authorities of lands, Cities, Towns or Villages, for the said Company to extend the payment of the cost of the works over any period to be agreed upon between the parties, not exceeding twenty years, and to receive the same by such yearly, half-yearly or quarterly instalments, to be also agreed upon, as shall redeem the said total cost and interest within the period prescribed, the said Owners or Authorities giving to the Company a full and sufficient mortgage, security or rent charge upon the lands improved or the works executed, for the time over which payments of the instalments extends.

XIII. The Company shall have power to acquire, hold by mortgage or otherwise, to improve, sell and convey any land and real estate, and also to hold and sell any personal and moveable property whatsoever, which may be necessary for conducting the several operations of the Company, or as security for the payment of any money due to them, or which shall comport with the general design of the powers and provisions herein given and made.

XIV. In consideration of the character of the operations to be undertaken, and the nature of the security upon which the repayment of their cost is based, it shall be lawful for the Company to issue Debentures in the sum of not less than £25 Currency each, either in Currency or Sterling, as the Directors shall find it convenient, bearing interest at the rate of £6 percent. per ann., and payable either in this Province or elsewhere, and at such times respectively as shall correspond with the periods over which the repayment of their contracts shall extend, and so that the total amount of such Debentures issued or outstanding at any one time, shall not exceed two-thirds of the amount of the cost of the works executed by and in progress of repayment to the Company.

XV. The Directors may and are hereby authorized to call at any time or times as they may think needful, Special Meetings of the Shareholders, at the offices of the Company, or at any other place by adjournment, as may be found more convenient; and at each and all of the yearly General Meetings, the Directors shall submit a report of the state of the affairs of the Company, together

with a true and correct balance sheet and account, shewing the amount of capital paid up, the amount of monies expended and liabilities, the contracts existing, and other matters requisite to the full understanding of the affairs of the Company, and such meeting shall declare the amount of dividends to be paid to the Shareholders out of the profits of the Company, and shall transact any business which may be needful.

XVI. At such Meetings it shall be lawful for executors, administrators, tutors, curators, guardians, trustees and municipal authorities, to represent and vote on the shares in their hands, but they shall not be eligible for Directors or for any office under the Company.

XVII. Inasmuch as the works herein provided for are calculated to be of essential sanitary benefit to the inhabitants of Cities, Towns and Villages, it shall be lawful for Municipalities to take and hold shares in the Capital Stock of the Company, to such an extent as they may severally duly determine; Provided, that in no case the amount held shall exceed five shares to every one hundred souls of the population.

XVIII. The Company shall furnish the Bureau of Agriculture with a copy of each yearly report and statement of accounts, and shall at all times afford any further information as to the state of the affairs of the Company as may be required by the Legislature or the Government.

XIX. The Interpretation Act shall apply to this Act, and this Act shall be deemed a public Act.

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