

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.
Cover title cut off.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

| | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 10x | | 14x | | 18x | | 22x | | 26x | | 30x | |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 12x | | 16x | | 20x | | 24x | | 28x | | 32x | |

No. 136.

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

BILL.

An Act to extend the provisions of the Act 12th Vic., cap. 84, to Companies formed for the purpose of improving the Navigation of Rivers and Streams in Upper Canada.

Received and Read a first time, Wednesday, 30th
September, 1852.

Second Reading, Wednesday, 13th October, 1852.

MR. LANGTON.

B I L L .

An Act to authorize the formation of Joint Stock Companies to construct works necessary to facilitate the transmission of timber down the rivers and streams in Upper Canada.

WHEREAS it is expedient to encourage the formation of Joint Stock Companies to improve the navigation of rivers and streams in Upper Canada, so as to facilitate the transmission of timber ; Be it therefore enacted, &c.,

- 5 That any number of persons not less than five respectively may, in their discretion, form themselves into a Company or Companies under the provisions of this Act, for the purpose of constructing and maintaining any dam or dams, slide or slides, pier or piers, boom or booms, or other work or works necessary to facilitate the transmission of timber down any river or stream in Upper Canada, or otherwise of improving the navigation of the same for the said purpose ; Provided always, that no such Company shall construct any such works over or upon or otherwise interfere with or injure any private property or the property of the Crown, without having first obtained the consent of the owner or owners, occupier or occupiers thereof, or of the Crown, so to do, except as hereinafter provided ; Provided also, that no such company shall be formed under the provisions of this Act to improve any river or stream, for the improvement of which any other company shall have been formed either under this Act, or any other Act of the Legislature, or upon which there is now or may hereafter be constructed any Provincial work, without the consent of such other Company or of the Governor in Council respectively, which consent shall be formally expressed in writing and shall be registered together with the instrument by which any such company is incorporated as hereinafter provided.

Preamble.

Any five or more persons may form a company.

Proviso.

Proviso.

II. And be it enacted, That the provisions contained in the 4th, 6th, 7th, 8th, 9th 10th, 11th, 12th, 13th, 14th, 17th, 18th, 19th, 21st, 22nd, 23rd, 29th, 30th, 31st and 32nd Sections of the Act passed in the 12th year of of Her Majesty's Reign, chaptered 84 and intituled, " An Act to authorize the formation of Joint Stock Companies for the construction of roads and other works in Upper Canada," shall be extended so as to apply to Joint Stock Com-

Certain provisions of 12 V. c. 84, extend to companies formed under this Act.

panies formed under this Act, as fully as if the said Sections had formed part of this Act, except in so far as the provisions of the said Sections may be inapplicable to or inconsistent with, or may be varied by this Act.

III. And be it enacted, That before any Company formed under 5 this Act shall commence any of the works contemplated to be undertaken, such Company shall cause a Report to be laid before the Chief Commissioner of Public Works, and another copy of such Report before the Municipal Council of the County, in which 10 such proposed works are situated ; or, if the works are situated in more than one County, then before the Municipal Councils of the Counties, in or on the boundaries of which such proposed works are situated ; or if such proposed works are in unsurveyed lands not contained within the bounds of any County, then before the Chief Commissioner of Public Works alone ; which Report shall 15 contain a copy of the instrument, by which such company is incorporated, a description of the works to be undertaken, and an estimate of their cost, an estimate from the best available sources, of the quantity of different kinds of timber which is expected to come down the river in following years, and a schedule of the tolls 20 proposed to be collected. And such Company shall not commence any such works until the approval of the said Chief Commissioner of Public Works shall have been signified in writing, which said approval shall be registered in addition to the other documents required to be registered by the fourth Section of the 25 hereinbefore recited Act, nor until a By-law approving of the same has been passed by the Municipal Council of the County, or by each of the Municipal Councils of the Counties, in or on the boundary of which the projected works are situated.

Amount of
Tolls, how to
be calculated
and limited.

IV. And be it enacted, That the tolls for the first year shall be 30 calculated upon the estimates hereinbefore required to be made of the cost of the works, and the quantity of different kinds of timber expected to pass down the stream, and the tolls in all future years shall be calculated upon the cost of the works and the receipts and expenditure, according to the accounts of the then 35 next preceeding year as rendered in accordance with the provisions of the seventeenth Section of the before recited Act ; And the tolls shall be so calculated that, after defraying the necessary cost of maintaining and superintending the works and collecting the tolls, the balance of the receipt shall as nearly as may be equal, and in no 40 case exceed six pounds for every hundred expended and invested in the said works. And if in any year the receipts from tolls shall be such, that, after defraying all the current expenses, there shall remain a clear profit of more than six pounds upon every hundred of the capital expended, there shall nevertheless be divided 45

Provision in
case of a sur-
plus in any
one year.

amongst the Shareholders no greater dividend than after the rate of six pounds for every hundred, and the remainder shall be carried over to the receipt of the following year.

V. And be it enacted, That the tolls to be collected upon different kinds of timber shall bear to each other the following proportions, viz:—

Tolls on different kinds of Timber.

VI. And be it enacted, That the annual account required to be rendered by every Company formed under this Act, shall contain a schedule of the tolls, calculated as aforesaid, which it is proposed to collect in the following year, and if it shall not have been notified to the President of such Company on or before the 15th day of March in each year, that the schedule of tolls has been disallowed by a By-law of any Municipal Council having jurisdiction over such works, (or if such works are not situate within the limits or on the boundary of any County then by an order of the Chief Commissioner of Public Works,) the President of such Company shall cause the said schedule of tolls to be published for the space of one month in some newspaper published within the County or Counties in which, or nearest to which such works are situate, and such tolls so published shall be the lawful tolls for that year. But if it shall appear to the Municipal Council of any County within which or along the boundary of which such works shall be situated, (or if not within the limits of any County then to the Chief Commissioner of Public Works,) that the proposed schedule of tolls has not been calculated according to the true intent and meaning of this Act, it shall be lawful for such Municipal Council,

Annual account of Company to contain a schedule of Tolls for the following year: how schedule may be altered and amended.

or such Chief Commissioner, by a By-law of such Council, or an instrument under the hand of such Chief Commissioner, as the case may be, to alter or vary the said schedule of tolls, so as to make them correspond with the true meaning of this Act; and such Amended schedule to be in force for the next year. amended schedule of tolls shall be notified to the President of such Company, and shall by him be published as aforesaid, and shall be the lawful tolls for that year. 5

Company may recover the lawful tolls on any Timber. VII. And be it enacted, That every such Company shall have authority to demand and receive the lawful toll upon all timber which shall have come through or over any of the works of such Company; and it shall be lawful for such Company, by its servants, to have free access to all such timber for the purpose of measuring or counting the same; and if the just tolls shall not be paid on demand, such Company shall have power to sue for the same in any Court of competent jurisdiction, and shall recover from the owner or owners of the timber the amount of the tolls and the costs of suit; Provided always, that if the owner or owners of the timber shall object to the amount of tolls demanded, and shall tender a sum which he or they claim to be the true and just amount of the toll, such Company shall pay the costs of the suit, unless the judgment obtained shall be for a greater amount than the sum so tendered; Provided also, that if any timber shall not have come through or over the whole of the works of any such Company, but only through or over a part thereof, the owner or owners of such timber shall only be liable to pay tolls for such sections of the whole works as he or they shall have made use of, if in the schedule of tolls the work is divided into sections, and if not, then to pay such a proportion of the whole toll as the distance such timber has come bears to the whole distance. 10 15 20 25

Proviso.

Proviso.

Company not to improve waters already navigable. Case of the erection of any Dam by the Company provided for. VIII. And be it enacted, That nothing herein contained shall extend to authorize any Company formed under this Act to obstruct any waters already navigable, or to collect any tolls other than those upon timber. And if by reason of any dam erected by a Company formed under this Act, any fall or water power shall be created, such Company shall in no wise have any title or claim to the use of such water power; nevertheless, if the owner or occupier of the land adjoining shall have made any claim for compensation for damages arising from such dam, the arbitrators may lawfully take into account the increased value of the property by reason of the water power so created. 30 35 40

Legislature may make additions to this Act. IX. And be it enacted, That notwithstanding the privileges which may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make such additions to this Act, or such alterations of any of its provisions as they may think pro-

per for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate, property, right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way that may be affected by any of the powers given to any such Corporation; and whenever it shall be found expedient for the public service, it shall and may be lawful for the Governor in Council, upon payment to any Company formed under this Act of the Capital invested by such Company, to declare such Company dissolved, and all the works of such Company to be Provincial works.

Government
may assume
the works on
paying the
Capital in-
vested.

X. And be it enacted, That whenever the words "Municipality" or "Municipal Corporation having jurisdiction within this locality" occur in any of the Sections of the Act hereinbefore cited which are declared to be incorporated with this Act, such and similar words shall be held to signify for the purposes of this Act, the Municipal Corporations of Counties, and no others, and that whenever the word "road" occurs in any of the said Sections, the words, "dam, slide, pier or boom" shall be added in reading the said Sections with reference to this Act.

Interpretation
Clause.